CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25, 1911.

PROMOTIONS IN THE NAVY.

Commander Nathan C. Twining to be Chief of the Bureau of Ordnance in the Department of the Navy with the rank of rear admiral.

Lieut. Charles H. Fischer to be a lieutenant commander.

Lieut. (Junior Grade) Burton H. Green to be a lieutenant.

Lieut. (Junior Grade) Duncan I. Selfridge to be a lieutenant.

Lieut. (Junior Grade) John J. London to be a lieutenant.

Lieut. (Junior Grade) John W. Wilcox, jr., to be a lieutenant.

Lieut. (Junior Grade) John M. Smeallie to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Douglas W. Fuller,
John T. G. Stapler,
Alexander Sharp, jr., and
Wilfred E. Clarke.

POSTMASTERS.

CALIFORNIA.

Nora Buchanan, Pittsburg (late Black Diamond).

KANSAS.

Nelson M. Cowan, Kensington.

MINNESOTA.

B. H. Holte, Starbuck.
Samuel C. Johnson, Rush City.

NORTH CAROLINA.

Warren V. Hall, North Charlotte.

SOUTH DAKOTA.

Abraham H. Dirks, Marion.

WEST VIRGINIA.

Frank L. Bowman, Morgantown.

REJECTION.

Executive nomination rejected by the Senate May 25, 1911.

POSTMASTER.

William A. Moxley to be postmaster at St. Marys, Ohio.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from a treaty of extradition between the United States and Salvador.

SENATE.

FRIDAY, *May 26, 1911.*

The Senate met at 2 o'clock p. m.

Prayer by Rev. John Van Schaick, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

THE STANDARD OIL CO. ET AL. V. UNITED STATES.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, stating by direction of the President and in response to a resolution of the 23d instant that no criminal prosecutions have been begun or are now pending against the Standard Oil Co. of New Jersey or the constituent companies or individual defendants named for violations of sections 1 and 2 of the Sherman antitrust law, which was referred to the Committee on the Judiciary and ordered to be printed. (S. Doc. No. 39.)

LAWS OF PORTO RICO.

The VICE PRESIDENT laid before the Senate a copy of the acts and resolutions of the special session of the Fifth Legislative Assembly and first session of the Sixth Legislative Assembly of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

PETITIONS AND MEMORIALS.

Mr. BRIGGS presented memorials of sundry citizens of Jersey City, Sayreville, Perth Amboy, Dunellen, Chrome, Kearny, and Newark, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of Local Union No. 45, National Brotherhood of Operative Potters, of Trenton; of Cigar Makers' Union No. 428, of Trenton; of General Teamsters' Union No. 78, of Trenton, in the State of New Jersey, remonstrating against the abduction of John J. McNamara from Indianapolis, Ind., which were referred to the Committee on the Judiciary.

Mr. CULLOM presented memorials of the Unity Church Society, of Hinsdale, Ill.; of the Vergnuegungs Club Unter Uns, of New Brunswick, N. J., and of sundry citizens of Jersey City, N. J., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Pontoosuc, Ill., and a memorial of sundry citizens of Urbana and Champaign, Ill., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. JONES. I present a petition on behalf of members of Reynolds Post, No. 32, Grand Army of the Republic, Department of Washington and Alaska, of Blaine, Whatcom County, Wash., praying for the passage of the so-called Sulloway pension bill. I ask that the petition be read and referred to the Committee on Pensions.

There being no objection, the petition was read and referred to the Committee on Pensions, as follows:

To the honorable Senate and House of Representatives,
Washington, D. C.

Your memorialists, the officers and members of Reynolds Post, No. 32, Grand Army of the Republic, of Washington and Alaska, of Blaine, Whatcom County, Wash., most respectfully represent and pray as follows:

That your memorialists, desiring to preserve the integrity of the Union, spent some of the best years of their lives in the service of the United States, years that were fraught with opportunity for financial gain; that at that time your memorialists were actuated solely by patriotic motives and without consideration of the future.

That now, however, time in passing has laid its hands heavily upon us, and the hardships and exposures incurred in service are having their inevitable effects, and our ranks are rapidly thinning.

That we feel that our good work and that of our comrades in arms merits substantial recognition, and that the country which we preserved should assist in relieving our declining years from want.

That we believe the Sulloway pension bill, if enacted as law, is just and equitable to us, and that it should be passed: Therefore be it

Resolved, That we, your memorialists undersigned, most respectfully pray that said proposed Sulloway pension bill, or some other equally as good, be passed in order to remove us and our comrades from want during the short remaining period of our allotted lives.

JASPER N. LINDSEY, *Commander.*
I. M. SCOTT, *Adjutant.*
T. J. SPOHN, *Quartermaster.*

Mr. BURNHAM presented a memorial of White Mountain Grange, Patrons of Husbandry, of Littleton, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Local Division No. 3, Ancient Order of Hibernians, of Dover, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh-day Adventists Church of Keene, N. H., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. GRONNA presented a petition of the Commercial Club of Tolna, N. Dak., praying for a reduction of the duty on raw and refined sugar, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Portland, N. Dak., remonstrating against the establishment of a rural parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN presented petitions of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation for the preservation and control of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented memorials of Local Division No. 6, Ancient Order of Hibernians, of Kings County; of Local Division No. 4, Ancient Order of Hibernians, of Saratoga; and of the Ancient Order of Hibernians of Batavia, in the State of New York; and of Local Division No. 1, Ancient Order of Hibernians, of Danbury, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Westbury quarterly meeting of the Religious Society of Friends, of Brooklyn, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Brooklyn, N. Y., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Danbury, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Hartford, Conn., praying for a reduction in the duty on raw and refined sugar, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the adoption of an amendment to the corporation-tax law permitting corporations to make returns at the close of each fiscal year, which was referred to the Committee on Finance.

Mr. LODGE presented a memorial of the Shoe Manufacturers' Association of Brockton, Mass., remonstrating against any reduction in the duty on boots and shoes, which was referred to the Committee on Finance.

Mr. SMITH of South Carolina presented memorials of the State Pharmaceutical Association; of the legislative committee of the State Pharmaceutical Association; of the Riley Drug Co., of Florence; and of the Ligon's Drug Co., of Spartanburg, all in the State of South Carolina, remonstrating against the imposition of a stamp tax on proprietary medicines, which were referred to the Committee on Finance.

Mr. ROOT presented memorials of 26 citizens of Mechanicsville, N. Y., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

JAMES CARTER.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (S. 938) for the relief of James Carter, reported it without amendment and submitted a report (No. 46) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN of Virginia:

A bill (S. 2535) to reimburse the estate of Gen. George Washington for certain lands of his in the State of Ohio lost by conflicting grants made under the authority of the United States; to the Committee on Private Land Claims.

By Mr. HITCHCOCK:

A bill (S. 2536) granting an increase of pension to James W. Wilson; and

A bill (S. 2537) granting an increase of pension to Victor Tracy; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2538) to authorize the extension of Grant Street NE. and Deane Avenue NE., in the District of Columbia, from Minnesota Avenue to Fifty-eighth Street; to the Committee on the District of Columbia.

By Mr. DU PONT (for Mr. RICHARDSON):

A bill (S. 2539) for the relief of George Hallman; to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 2540) granting an increase of pension to Charlotte A. Avery; to the Committee on Pensions.

By Mr. BORAH (by request):

A bill (S. 2541) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes"; to the Committee on Territories.

By Mr. GAMBLE:

A bill (S. 2542) granting an increase of pension to William Mulloy (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 2543) granting an increase of pension to Joseph Annis (with accompanying papers); and

A bill (S. 2544) granting a pension to Mary E. Colby (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 2545) for the execution of a suitable and creditable painting depicting and perpetuating the baptism of Virginia Dare, the first known celebration of a Christian sacrament on American soil; to the Committee on the Library.

A bill (S. 2546) granting an increase of pension to Susan A. Reynolds (with accompanying paper); to the Committee on Pensions.

A bill (S. 2547) for the relief of Chalmers G. Hall;

A bill (S. 2548) for the relief of W. T. Hawkins;

A bill (S. 2549) for the relief of the estate of Henry Kizer, deceased;

A bill (S. 2550) for the relief of the estate of Benjamin C. Smith, deceased;

A bill (S. 2551) for the relief of Samuel J. White; and

A bill (S. 2552) for the relief of the estate of Seth Waters, deceased; to the Committee on Claims.

By Mr. RAYNER:

A bill (S. 2553) for the relief of the heirs of Charles N. Gregory, deceased; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 31) authorizing the Secretary of War to loan certain tents for the use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911; to the Committee on Military Affairs.

DRAINAGE SURVEY OF CERTAIN LANDS IN MINNESOTA.

Mr. CLAPP submitted the following resolution (S. Res. 54), which was read and referred to the Committee on Printing:

Resolved, That 1,000 copies of House Document No. 27, Sixty-first Congress, first session, entitled "Drainage Survey of Certain Lands in Minnesota," be printed for the use of the Senate document room.

COST OF LIVING.

Mr. SMOOT. I present a digest from Bulletin No. 93, United States Bureau of Labor, of a report of the British Board of Trade on the cost of living in the principal industrial towns of the United States, together with a comparative summary of reports of the British Board of Trade on the cost of living in the principal industrial towns of England and Wales, Germany, France, Belgium, and the United States. I move that the digest be printed as a Senate Document. (S. Doc. No. 38.)

The motion was agreed to.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed and the calendar is in order under Rule VIII. The first business on the calendar will be stated.

The joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States was announced as the first in order on the calendar.

The VICE PRESIDENT. The joint resolution, being the regular order as the unfinished business, will go over.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts, approved March 4, 1911, was announced as next in order.

Mr. HEYBURN. I ask that the joint resolution may go over.

The VICE PRESIDENT. The joint resolution will go over.

The bill (S. 20) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 23) to authorize the extension of Underwood Street NW. was announced as next in order.

Mr. GALLINGER. Let the bill go over, as there are certain amendments being prepared.

The VICE PRESIDENT. It will go over.

SUNDAY-REST LAW.

The bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia was announced as next in order, and the Secretary read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person or corporation in the District of Columbia on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant in any labor or business, except in household work or other work of necessity or charity, and except also newspaper publishers and their employees, and except also public-service corporations and their employees, in the necessary supplying of service to the people of the District: *Provided*, That persons who are members of a religious society who observe as a Sabbath any other day in the week than Sunday shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as herein provided.

SEC. 2. That it shall be unlawful for any person in said District on said day to engage in any circus, show, or theatrical performance: *Provided*, That the provisions of this act shall not be construed so as to prohibit sacred concerts, nor the regular business of hotels and restaurants on said day; nor to the delivery of articles of food, including meats, at any time before 10 o'clock in the morning of said day from June 1 to October 1; nor to the sale of milk, fruit, confectionery, ice, soda and mineral waters, newspapers, periodicals, cigars, drugs, medi-

cines, and surgical appliances; nor to the business of livery stables, or other public or the use of private conveyances; nor to the handling and operation of the United States mail.

SEC. 3. That any person or corporation who shall violate the provisions of this act shall, on conviction thereof, be punished by a fine of not more than $10, or by imprisonment in the jail of the District of Columbia for not more than 10 days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. That all prosecutions for violations of this act shall be in the police courts of the District of Columbia and in the name of the District.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

Mr. JOHNSTON of Alabama. What is the purpose of the Senator, I will ask him?

Mr. HEYBURN. Because, Mr. President—and I speak by unanimous consent only—it is not a measure that should be discussed under a five-minute rule. The questions involved here are of more than passing importance. Many questions are involved; and if the bill is taken up at all, it should be under a rule which would permit its full and free discussion.

Mr. JOHNSTON of Alabama. Mr. President, I move that the bill be set down for hearing and action on Monday next, immediately after the morning business.

Mr. HEYBURN. I suggest that the Senator can, without postponing it, if he desires, move to take up the bill, and then it will not be under the five-minute rule.

The VICE PRESIDENT. The Senator from Alabama may move to take the bill up for consideration notwithstanding the objection of the Senator from Idaho.

Mr. JOHNSTON of Alabama. I make that motion now.

The VICE PRESIDENT. The Senator from Alabama moves that Senate bill 237 be now considered, the objection of the Senator from Idaho to the contrary notwithstanding. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BACON. May I inquire whether the bill has been read?

The VICE PRESIDENT. The bill has just been read in full.

Mr. HEYBURN. I would move to amend the bill by striking out all of section 1, after the word "charity," in line 8.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 1, line 8, after the word "charity," strike out the remainder of the section, in the following words:

And except also newspaper publishers and their employees, and except also public-service corporations and their employees, in the necessary supplying of service to the people of the District: *Provided*, That persons who are members of a religious society who observe as a Sabbath any other day in the week than Sunday shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as herein provided.

So that the section will read:

That it shall be unlawful for any person or corporation in the District of Columbia on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant in any labor or business, except in household work or other work of necessity or charity.

Mr. HEYBURN. Mr. President, my object in proposing the amendment is not that I believe those provisions should be excepted from the legislation. I am opposed to this legislation, and I merely propose the exception as a basis for submitting some remarks upon it, unless the Senator from Alabama desires to make some statement in regard to the bill before it is taken up for further consideration.

Mr. JOHNSTON of Alabama. I will wait until I hear the Senator.

Mr. HEYBURN. I understand the Senator does not desire to proceed now.

Mr. JOHNSTON of Alabama. I will wait until I hear what the Senator has to say in opposition to the bill before I shall seek the floor.

Mr. HEYBURN. Mr. President, I have always been opposed to this class of legislation. In the very early days of the settlement of this country we had a great deal of it, and on the statute books in many of the States there are now provisions, which are termed "blue laws," that are ignored. There are some now in existence relative to the District of Columbia that are not observed or enforced.

We can not make people good by legislation. You can punish them for being bad. The spirit upon which this is based, I suppose is the commandment that "six days shalt thou labor." I have never known anyone to propose legislation for the enforcement of that part of the commandment or trouble his mind about it, and yet, I presume, it is just as important, and was intended to be just as operative, as the following provision against performing any labor on the seventh day.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. Does the Senator think that the language "six days shalt thou labor" is a command that men and women shall labor six days?

Mr. HEYBURN. It says "thou shalt labor."

Mr. GALLINGER. I think the Senator has given that a far-fetched interpretation. I am sure the theologians will not agree with him.

Mr. HEYBURN. I am not a theologian. It may be fortunate for all except myself that I am not. I have a due regard for the observance of the Sabbath, and I believe it should be observed, but I do not believe in legislation compelling one to do it. This measure is of more than passing importance. I had not thought it would pass without considerable discussion. I have heard it suggested that it was a delicate question upon which to speak. I do not feel it to be such. A man who can not discuss his religion has none; a man who is afraid to discuss it has none. I do not think this is an appropriate place to discuss religious questions, except so far as they may be relied upon as a basis of legislation, but I can not refrain from expressing my regret that it is proposed in Congress to deal with the questions involved in this bill. I think I opposed a similar bill on a former occasion, and it was charged in certain places that I was an irreligious person and that I did not believe in orderly conduct on the Sabbath day. There is no foundation for that charge. I have always been a person of strong religious convictions. My ancestors have always been largely interested in religious principle and the development of it. I have followed in their footsteps, and it is because of that, at least in part, that I do not approve of this class of legislation. It was such legislation as this that wrote the annals of bloodshed and oppression and intolerance in the religious history of the world where a part of the people undertook to be sponsors for the conscience of another part.

The bill provides:

That it shall be unlawful for any person or corporation in the District of Columbia on the first day of the week, commonly called Sunday, to labor at any trade or calling, or to employ or cause to be employed his apprentice or servant in any labor or business, except in household work or other work of necessity—

That is very ambiguous—"or other work of necessity." Who is to be the judge of what is a "work of necessity," the police court? This bill provides that the police court shall have sole jurisdiction of these questions, and if one is haled before that court on Sunday morning for disobedience of this law, then the police court must work. It is not excepted under the terms of this bill from work. The clerks and employees of the court must work on Sunday if a man is arrested and taken before them. However, that is of minor importance.

Provided, That persons who are members of a religious society who observe as a Sabbath any other day in the week than Sunday shall not be liable to the penalties prescribed in this act if they observe as a Sabbath one day in each seven, as herein provided.

In other words, this legislation grants special privileges to people who are members of religious societies. More than half the world and more than half the people in this city are not members of any religious society. It grants a special privilege to those who are which is withheld from those who are not. The law in this land, general and local, was intended to insure perfect freedom and independence to the citizen in regard to the observance of religious principles. So, as a matter of principle, I am opposed to such legislation.

SEC. 2. That it shall be unlawful for any person in said District on said day to engage in any circus—

I agree to that—

show, or theatrical performance—

I am in thorough accord with that—

Provided, That the provisions of this act shall not be construed so as to prohibit sacred concerts—

That is too indefinite. Who is to say what is a sacred concert? A concert that is sacred to one person or one class of persons is not sacred to another. I adhere to the tenets of a religious body which does not believe in sacred concerts or any other concerts on the Sabbath day; yet this bill selects a class of persons, described in indefinite phrase, who may, under the guise of a sacred or what they term a sacred concert, be exempted from the provisions of this proposed law. What is called a sacred concert is as offensive to the Society of Friends, commonly known as Quakers, as would be any other violation of the sanctity of that day. They do not believe in anything of that kind on the Sabbath, yet this bill undertakes

to give some people a license to engage in that kind of diversion.

Nor the regular business of hotels and restaurants on said day—

Of course, hotels should be permitted to pursue their regular business on that day or on any other day—

nor to the delivery of articles of food, including meats, at any time before 10 o'clock in the morning of said day from June 1 to October 1—

If this bill is based upon principle, there is no reason for that exception. You can not make a law reasonable or valid because of any sentiment in regard to the hours of the day in which food may be brought into the house—

nor to the sale of milk, fruit, confectionery, ice, soda and mineral waters—

Well, the sale of soda and mineral waters means the keeping open of places of resort that are not necessary. I would allow them to proceed on that day as on others; but we are talking now about a principle upon which a law shall be based—

newspapers, periodicals, cigars, drugs, medicines, and surgical appliances—

Cigars can be purchased on Saturday, of course, and carried over to Sunday. Why should a cigar store be exempted from the provisions of this act? Is there any moral principle involved? Must men have cigars on the instant when they feel like smoking?—

nor to the business of livery stables, or other public or the use of private conveyances; nor to the handling and operation of the United States mail.

We have been anticipated in that. The Sunday mail service has been cut off in Washington and also, I understand, elsewhere. I suppose that reduces the expenses of the Post Office Department one-seventh, and accounts for the obliteration of the deficiency in the Post Office revenue. A reduction of one-seventh would more than account for the $17,000,000 deficit which was to be wiped out. Of course the people pay for it. We do not get any mail on Sunday. I suppose that if they would cut off mail deliveries on two or three more days we would not have any expense in connection with the Post Office Department other than the payment of the salaries of the officers. This is a subject of considerable interest to me—much more interest than this bill.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I think the Senator is not quite as accurate as he usually is. The transactions of the Post Office Department are not entirely abandoned on Sunday. I think so far as the delivery of mail by the carriers is concerned, there has been a practical abandonment of that, but the post offices are open for the transaction of business on Sunday all over the country at the present time, and the salaries of the employees are going on just the same as though they were delivering the mail on that day. So that the Senator's mathematics are at fault when he figures out that by that change, which is a limited change, we are saving one-seventh of the expenses of running the Post Office Department.

Mr. HEYBURN. Well, Mr. President, I was briefly proceeding to explain the extent to which this service had been diminished, for I am not going to make a speech upon that question. As I know from experience, the delivery of mail on Sunday to people in their homes or to hotels has been discontinued. The saving thus effected would be a large item. I have not as yet made up the figures that would represent that change in the system, but it would amount to a great deal of money.

Mr. GALLINGER. The salaries of the carriers are being paid just the same.

Mr. HEYBURN. Yes; the salaries of the carriers are being paid just the same, but they are not performing full service for those salaries. A man who received a thousand dollars for delivering mail seven days in the week is now receiving a thousand dollars for delivering it six days in the week, and the only person that is benefited by it is the carrier at the inconvenience of the people of the whole country. I know of no law that authorizes the change to be made, but I am not much astonished at that, because so many things are now done without legal authority that I have merely looked on with astonishment, and my astonishment has not yet exhausted itself, that the lawmakers of the land should quietly submit to an Executive order, or an order of some kind, that diminishes the services to be performed by officers created by authority of Congress. Some one should be called to account for it by Congress.

No man has the right to set himself up as the moral standard of all the community or of any part of the community except himself. As to the use of the Sabbath day, every man, so far as personal acts that do not include any acts of lawlessness are concerned, should be the guardian of his own morals. It was never intended that the law should lay down the rules that should constitute a good man, and say that all men must live up to those rules. That never was the intention of the lawmakers, and we discovered it very soon after we became a Nation and had organized government, and we abandoned that kind of legislation. It was the legislation that resulted in whipping people at the tail of the cart, placing them in the stocks, branding them upon the hands, and so forth. That was this kind of legislation under which some person or coterie of persons undertook to set themselves up as the censors of the morals of the people. I thought that age had passed. I never expected to see it revived, and I never expected to see an attempt made in the Congress of the United States to prescribe rules that are intended, I presume, to supplement the Ten Commandments, and I suppose every year, according to the temper of a part of the people, we shall have new prohibitions and restrictions

This bill, I believe, does not cover baseball. I wonder why. I wonder that this august body should have omitted the mention of a pastime of which many of its Members are so fond. There is no provision here against baseball or football or golf. Golf could hardly be termed a religious exercise [laughter], but it affords ample opportunity for meditation as the players pass over the golf links, and it may be that in that way it performs some good, but it should have been mentioned one way or another just out of respect for the pastime.

Mr. President, if it is a great principle that should be recognized by legislation, then it should not contain the exceptions of cigar stores, ice-cream parlors, soda fountains, and places of that kind. If you are going into this question, go into it to the limit, and compel the people to live like the old Puritans of New England did, when they were not allowed to have fire in their churches and when they had to take their luncheons with them and eat them in cold sheds or where they might. If you are going to be erratic in legislation, be erratic according to some established rule, the rule of our ancestors. If you are going to recognize the rule that is recognized, or, at least, I thought it was, in all parts of this country, of religious freedom and freedom of personal action so long as it violates no law of the land and no contractual right of anyone—if you are going to uphold that kind of religious freedom—you can not pass this bill.

What authority have we, whence do we derive authority, under the Constitution to enact legislation that will interfere with the personal action of a citizen that is in violation of no law applicable to the whole country? Where else in the United States does such a law as this exist? Are we going to have one code of morals in force by virtue of a law of Congress in the District of Columbia and allow people to go right outside into the State of Maryland and perform the acts that they are not allowed to perform in the District of Columbia?

Mr. GALLINGER. Why not?

Mr. HEYBURN. The Senator asks me why not. Are we going to convert the District of Columbia, then, into a sanctuary, into a great church, so that the citizen must get out of the District of Columbia in order that he may enjoy the ordinary and reasonable freedom of a citizen?

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. The Senator must know that in a large number of the States, though not in all the States, laws very similar to this are now on the statute books. The Senator must know that in regulating the liquor traffic we have prohibition in one State and local option in another State, and I do not suppose that that is an anomaly which would come under the Senator's condemnation. I see no absurdity or contradiction in legislating for the District of Columbia on any matter different from what Maryland or Virginia or any other State may think it wise to do. So I think the Senator's contention is not well grounded on that point.

Mr. HEYBURN. Would the Senator be in favor of enacting a law such as this, if we had the power, that should be applicable to the whole Nation?

Mr. GALLINGER. I would on this subject. I do not know that I would take the exact phraseology of this bill; but I would in a general way.

If the Senator will permit me, as an illustration, two great buildings have recently gone up in the city of Washington, on the corner of H Street and Fifteenth Street. Every Sunday during the construction of those buildings men and teams have been employed, pounding has been going on on the steel frames; and that is a common thing in the city of Washington. I think it is a very bad condition for the Capital of this great Christian Nation. That is my view.

Mr. HEYBURN. Mr. President, I do not approve of that work; but because I do not approve of that class of work, it does not follow that I shall go to the extremes presented by this bill.

Mr. GALLINGER. No; that is right.

Mr. HEYBURN. They have gone way beyond that class of control.

I remember once, a good many years ago, being in a certain town in New England. I arrived there late on Saturday night. I went there only for the purpose of seeing a gentleman on a matter that would occupy a few minutes. On the Sabbath morning I undertook to get a carriage to take me out to see this man. I was asked, when I went to the livery stable, if I wanted it to go to church. I said, "No; I want to go into the country to see a certain man and return in time for my train." They said, "You can not have it; the law forbids hiring carriages except within the lines of religious attendance." I do not know whether that law is still in force or not. I have often remembered it as an instance of unreasonable regulation or rule. No good purpose could be accomplished by it, and it could certainly conduce nothing to my frame of mind that could calm it and make it appropriate for Sabbath observance. I had to wait over another day.

I would not on Sunday have a circus operated or a theatrical performance, and I would not allow, under the guise of a sacred concert, a performance in a theater. What is a sacred concert? To what is it sacred? Why is it sacred? Because they sing a certain class of songs? Perhaps those songs or that music might be very offensive to persons of some other denomination, and if one part of the people are allowed to select certain music and call it sacred, when they go there for no sacred purpose, then there is a discrimination.

There are good, old-fashioned songs that to me are more sacred than the technical music of the day. That is true as to a majority of the people. I have attended some of these sacred concerts in my hours of idleness, and I have not been imbued with any special sacred spirit during that time. No; they did not sing hymns. The Senator from New Hampshire asks me if they sung hymns exclusively. I am fond of music, but the musical performance on those occasions would have been just as appropriate at a theater as it would at the sacred concerts.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly; always.

Mr. GALLINGER. The Senator from Wisconsin [Mr. LA FOLLETTE] gave notice that he desired to address the Senate at the conclusion of the morning business, and I will likewise say that there is a conference to be held by a committee of this side of the Chamber after adjournment. I learn from the Senator from Alabama [Mr. JOHNSTON] that he is willing that this matter shall go over until some other day, and if the Senator from Idaho will consent to have that order taken, I think it will greatly accommodate the Senate.

Mr. HEYBURN. It meets with my most hearty approval.

Mr. JOHNSTON of Alabama. I am perfectly willing that the bill shall go over, but I give notice that I shall call it up and ask for its consideration and a vote on it on Monday.

The VICE PRESIDENT. The Senator from Alabama asks unanimous consent to lay aside the pending business. Is there objection? The Chair hears none, and it is so ordered.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the following resolution:

The SECRETARY. Table Calendar No. 4, Senate resolution 6, by Mr. LA FOLLETTE: A resolution to appoint a special committee to investigate certain charges relative to the election of WILLIAM LORIMER.

Mr. LA FOLLETTE. Mr. President, on the 24th of May I received a certified copy of senate resolution No. 78, introduced and passed in the Illinois Senate, and I now read it to the Senate as a fitting conclusion to what I have already submitted touching upon the testimony taken by the committee of that body appointed to investigate certain charges relative to the methods employed by WILLIAM LORIMER in securing a seat in the United States Senate.

Senate resolution No. 78 reads as follows:

Senate resolution 78.

Whereas under senate resolution No. 17 a committee was appointed to investigate charges of corruption and official misconduct against members of this senate; and

Whereas said committee has reported the result of its investigation to this senate, from which it appears that there were important and material witnesses without the State of Illinois whose attendance it could not legally compel and which witnesses refused voluntarily to appear; and

Whereas said committee was seriously impeded in the performance of its duties by what we believe to be the unwarranted action of a certain judge; and

Whereas it appears from the report of said committee that despite its inability to compel the attendance of such foreign witnesses and the adverse action of said judge sufficient evidence was procured to conclusively show that WILLIAM LORIMER was elected to the United States Senate from Illinois by the aid of bribery and corruption;

And by reason of the failure of certain senators and representatives during the different roll calls to carry out the will of the people, as expressed at the polls, in the choice for a United States Senator, which action we deem most reprehensible and should be condemned, and which we hereby condemn, and that without such bribery and corruption his election would not have occurred: Therefore, be it

Resolved, That it is the opinion of this senate, based upon the report and findings of said committee, that the election of WILLIAM LORIMER to a seat in the United States Senate was brought about by bribery and corruption and that he should not be permitted to longer represent Illinois in the United States Senate.

Resolved, That the gravity of the situation, involving, as it does, the integrity and good name of this State and the welfare of the Nation, demands a further investigation and determination of this matter by a body possessing broader jurisdiction and greater powers than does this senate; and be it further

Resolved, That the secretary of this senate be, and he is hereby, authorized and directed to transmit to the Senate of the United States a copy of the evidence taken by the said committee, together with the report and findings of that committee and a copy of this resolution, and that this senate recommends that in view of the new evidence found the question of the right of WILLIAM LORIMER to a seat in the Senate of the United States should be reopened and further investigated by that honorable body, to the end that this question may be finally settled in the interest of the State and of the Nation.

I hereby certify that the foregoing resolution is a true copy and that it was adopted by the Senate of the Forty-seventh General Assembly of the State of Illinois on May 18, 1911.

J. H. PADDOCK,
Secretary of the Senate.

Mr. President, I submit to the Senate that this resolution which I have just read, together with the testimony which the committee of the Illinois Senate have taken in their investigation of this case—and a synopsis of which I have submitted to the Senate—make a strong, conclusive appeal to the Senate for a reopening, a rehearing, and a retrial of the right of WILLIAM LORIMER to continue as a Member of this body.

Mr. President, shortly before the final vote on this case at the last session, when the question was before the Senate of agreeing by unanimous consent to fix a time to vote, I interfered. I objected in the hope that I could, before the Senate completed its consideration and disposed of this case, submit to the Senate reasons why the case should be still further investigated.

After making such objection, I made the most diligent efforts to secure facts of which I had received some intimation, in order to lay them before the Senate and induce it to defer further consideration of the case until there had been a more complete and thorough investigation.

But, sir, with all that I could do, I was not able to come before the Senate so prepared that I would feel warranted in asking that it arrest the progress of the case and reopen it. And therefore, though I felt a moral certainty that the Senate was proceeding to the determination of this vital matter without all the facts in the case, nevertheless I felt obliged, sir, under the circumstances, to permit it to go to judgment on the facts then laid before us. But I was confident that there would come a time when this body would be called upon to reopen and to reinvestigate this case.

So, sir, when the committee of the Illinois Senate began its first taking of testimony I was interested enough to follow its proceedings closely, and when Mr. Kohlsaat was called before that committee I felt morally certain that facts of great importance would be disclosed.

I had previously used my best endeavors to get the consent of men in possession of those facts to submit them to the Senate, with the promise that they would be at hand to offer proof in support of them.

Therefore, Mr. President, as soon as Mr. Kohlsaat appeared before the committee of the Illinois Senate and stated that he had been informed that $100,000 had been raised as a fund to consummate this great wrong, I looked for the facts to come into the light of day for the inspection of this Senate and the country.

I remember, Mr. President, that the question was raised in the debate on the Lorimer case that a most important link in the testimony was wanting. It was contended that while there were witnesses ready to swear that money had been used, no

one had been forthcoming with proof to show whence that money came. That was a very significant and noticeable omission in the testimony presented by those who were seeking to make a case against Mr. LORIMER's title to a seat here.

So, Mr. President, I acted as soon as Kohlsaat furnished his testimony to that committee regarding what Mr. Funk had told him. I will say that, from such investigation as I have made personally, I feel warranted in saying that Mr. Funk is a most reputable witness. If a Senate committee should ever take his testimony, I am sure every member of it will be constrained to come before this body and say that no more reputable witness appeared than this man Mr. Funk. I have taken some pains to learn about him.

So, I say, when Mr. Kohlsaat referred to him as the man from whom he had derived the information upon which was based the editorial that first attracted my attention, I felt it my duty to put before the Senate a resolution calling for a new investigation.

I felt unwilling, as a Member of this body, to sit here silent while testimony was being taken in a legislature of one of the sovereign States of this Union tending to prove that a fund of $100,000 had been used to corrupt the title of a Senator to sit here with us in our deliberations and vote day by day in settling the fate of important legislation. The integrity of this body, the standing of the Senate before the people of this country, were involved. I conceive that, sir, to be a matter of great importance, for, after all, we are the agents of the public. The Senate must have the confidence of the public. So, when this testimony became public, I introduced the resolution now pending—Senate resolution No. 6.

Now, Mr. President, in view of the action of the Illinois State Senate and in view of the important testimony which I have been able, however imperfectly, to lay before the Senate, I have no doubts but that this body must conclude to reopen this case.

I provided in the resolution that five Senators, whose names I stated, should be chosen as a select committee, by the Senate, to make the investigation.

Mr. President, when I introduced that resolution, there were no committees of the Senate. Perhaps I ought to qualify that. I believe a resolution had been adopted that the existing committees of the Senate should continue to be the committees of the Senate, in so far as there were quorums, until a reorganization was perfected.

At the time I offered the resolution there was no Committee on Contingent Expenses, and it was not possible for the resolution which I offered to be acted upon by the Senate until it had gone to the Committee on Contingent Expenses and had been returned to the Senate with the report of that committee. I say there was no committee. There was a fragment of a committee. I think there were but two members out of five who had constituted that committee in the preceding Congress.

Now, Mr. President, that resolution provoked criticism—criticism upon this floor, not made in session, but made personally by Members of the Senate. It was subjected to some criticism by a part of the press. The suggestion was made that it was unprecedented. It was criticized as a reflection upon the Presiding Officer of this body; as an unwarranted interference with the prerogative so long exercised by the Presiding Officer under the resolutions which had clothed him with the power of naming special committees.

Mr. President, I want to say that I intended no reflection upon anybody by the introduction of that resolution. I took a course which seemed to me to be logical and consistent and fair. It did seem to me that a new committee raised by this Senate for the investigation of this case ought to be composed of Members of the Senate who had not formed and expressed an opinion on the case. So, Mr. President, in the resolution which I introduced, I named out of the Senate five Senators who could not have recorded any opinion on the case, and who had not, as far as I knew, expressed any opinion on the case as formerly presented. I consulted with none of the Members of the Senate whose names were included in that resolution. I did not then know anything more than was known by any Member of the Senate with respect to the attitude of mind of any one of the five Senators named in the resolution regarding the record evidence that had been taken on the former trial of this case.

That is, Mr. President, a frank statement of what controlled me and of my purposes, of what was in my mind in introducing the resolution to which I am now addressing myself. It was said very generally, by way of criticism, that there never had been a case in all the history of this Senate where any Member of the Senate had presumed to select and name in a resolution Senators to be chosen for special service upon any committee. Mr. President, that is not true.

But, sir, what is the significance of offering a resolution here naming or nominating candidates to be elected upon a committee to perform some service for the Senate? It is but the suggestion of a Senator. It is subject to amendment. It may be overruled. It has been done again and again. Contests on the floor of the Senate have grown out of just such suggestions.

This criticism led me to look somewhat carefully into the record of the Senate upon this subject. One of the earliest precedents I came across in my examination of the subject arose on the 3d of March, 1803. At that time the Senate elected a select committee to consider the impeachment of Judge Pickering. This fact was cited by Senator Tazewell when the impeachment of Judge James H. Peck came up, April 26, 1830. The debates in Congress of April 26, 1830 (vol. 6, pt. 1, p. 384), read:

Mr. Tazewell then read from the Senate Journal as follows:
"In the Senate of the United States, March 3, 1803.
"On motion,
"*Ordered*, That the message received this day from the House of Representatives respecting the impeachment of John Pickering, judge of a district court, be referred to Messrs. Tracy, Clinton, and Nicholas, to consider and report thereon."

Senators well understand that the report of the proceedings of the Senate at that time were not as now a chronicle of every statement made on the floor of the Senate, but a summation of what occurred.

In the Congressional Globe, Twenty-fourth Congress, first session (Dec. 22, 1835), page 24, I find the following:

The Senate proceeded to ballot for a select committee to consider the President's message relative to the northern boundary of the State of Ohio and the application of the State of Michigan for admission into the Union, and Messrs. Benton, Wright, Clayton, Crittenden, and Preston were chosen.

On page 514 of same volume, following debate regarding the deposit of public moneys on May 31, 1836, I quote as follows:

On motion of Mr. Calhoun the whole subject was referred to a select committee of nine members, which on balloting was found to consist of Wright, Calhoun, Webster, King of Alabama, Buchanan, Hendricks, Shepley, Leigh, and Ewing of Ohio.

Mr. President, there was a time when the proceedings of the Senate were not directed and controlled by secret conferences and caucuses held outside the Senate Chamber as completely as they are now. Of that I shall have occasion to say something more definitely a little later, for in contending for the passage of the resolution which I have introduced here I am contending for a principle which goes to the very heart of representative government.

In the first session of the Thirty-second Congress a contest arose over the seat of the Senator from Florida, Hon. Stephen R. Mallory. Immediately upon the presentation of his credentials by Senator Morton, question was raised as to his right to a seat. It was moved—and now I quote from the Globe:

That the credentials of the Senator elect, together with the extract from the journal of the Florida Legislature, be referred to a select committee of five.
The motion was agreed to.
On motion of Mr. Gwin, the election of the special committee was postponed until 1 o'clock to-morrow.

* * * * * * *

SPECIAL ELECTION COMMITTEE.

[From p. 11.]

The hour of 1 o'clock having arrived, the Senate proceeded to ballot for the special committee agreed to be appointed yesterday to consider and report on the Florida contested-election case.
The President announced that the Secretary had furnished him with the following result of the balloting: Mr. Berrien had received 21 votes, Mr. Bright 21, Mr. Davis 21, Mr. Mason 17, and Mr. Pearce 12. These five gentlemen having received the highest votes, they were duly elected the special committee.

* * * * * * *

Mr. BERRIEN. I would inquire what was the whole number of Senators voting?
The PRESIDENT. The Chair can not tell. It is not usual to require a majority of the whole number to elect members of a select committee. They are elected by plurality.
Mr. BERRIEN. I was under the impression that it required a majority to constitute any act of the Senate. My impression is that we have several times balloted repeatedly for members of committees.
The PRESIDENT. The majority rule applies to standing committees.

* * * * * * *

The PRESIDENT. The rule on the subject, after speaking of the standing committees, says:
"All other committees shall be appointed by ballot, and a plurality of votes shall make a choice."
The Senate having under consideration the assault upon Mr. Sumner, the Congressional Globe of May 22, 1856, contains the following:
Mr. MASON. I move to amend the resolution in such a manner as to provide that the committee shall be elected by the Senate.
Mr. SEWARD. I accept the amendment.
The PRESIDENT. The resolution will be read as proposed to be amended.
The Secretary read it, as follows:
"*Resolved*, That a committee of five members be elected by the Senate to inquire into the circumstances attending the assault committed on the person of the Hon. Charles Sumner, a Member of the Senate, in the Senate Chamber yesterday; and that the said committee be instructed

to report a statement of the facts, together with their opinion thereon, to the Senate."

The PRESIDENT. The question is on the resolution as amended.

The resolution was agreed to.

That was not regarded as a reflection upon the Vice President or the President pro tempore.

APPOINTMENT OF A SPECIAL COMMITTEE ON RETRENCHMENT.

On December 13, 1871, Mr. Anthony (of Rhode Island):

"I offer the following resolution and ask for its consideration:

"'*Resolved*, That a standing committee of seven, to be known as the Committee of Investigation and Retrenchment, be created to investigate and report on such subjects as may be committed to it by the Senate, such committee to be elected by the Senate as other standing committees.'"

By unanimous consent the Senate proceeded to consider the resolution.

This resolution was debated at length, the discussion extending over several pages of the CONGRESSIONAL RECORD and taking up the entire session. It was also debated through two or three sessions of the Senate; and thereafter, on December 18, Mr. Anthony (of Rhode Island), perfecting the resolutions which he had submitted, added thereto the following:

"*Resolved*, That the Committee of Investigation and Retrenchment consist of Mr. Buckingham (chairman)"—

There was a Member on the floor of this Senate assuming to nominate the members of that committee—

"to consist of Mr. Buckingham (chairman), Mr. Pratt, Mr. Howe, Mr. Harlan, Mr. Stewart, Mr. Pool, and Mr. Bayard."

The name of Mr. Casserly was later added as a member of the proposed committee.

The debate upon the resolution as perfected by Mr. Anthony proceeded throughout the session of December 18. The resolution was further amended by providing "that the said committee be authorized to send for persons and papers and report by bill or otherwise, and also to appoint a clerk."

While that was called a standing committee, Mr. President, all the debate shows plainly that it was a committee that was chosen upon the nomination of a Senator, and with a view of searching, just as political parties sometimes do preceding an election, the records of the departments of the opposition party in the hope that they may discover matters which will be helpful to them in the campaign. It was in character just like a special committee, although it was called a standing committee.

During the debate some question was raised as to whether the resolution named the Senators who had been the strongest advocates of the Committee on Investigation and Retrenchment, and it was argued at some length that the committee should be composed of the Senators who had been most favorable to the forming of such committee.

Shortly before the adoption of the resolution the following proceedings occurred:

The PRESIDING OFFICER. The question recurs on adopting the amendment as amended.

Mr. VICKERS. I offer this amendment: To strike out the names in the original resolution, namely, "Mr. Buckingham (chairman), Mr. Pratt, Mr. Howe, Mr. Harlan, Mr. Stewart, Mr. Pool, Mr. Bayard, and Mr. Casserly," and in lieu thereof to insert: "Lyman Trumbull (chairman), Charles Sumner, Eugene Casserly, Thomas F. Bayard, Henry B. Anthony, Roscoe Conkling, Oliver P. Morton, and T. W. Tipton."

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question, being taken by yeas and nays, resulted—yeas 12, nays 27, absent 32.

So the amendment to the amendment was rejected.

The question upon the final passage of the resolution creating the special committee and naming the members of the committee in the resolution, being taken by yeas and nays, resulted—yeas 43, nays 1.

Mr. President, I am willing to argue this case and to submit the resolution which I have offered to the Senate just as though no precedent could be found for it. If the adoption of this resolution providing for the election of a committee really made a new precedent it is high time it were done. I stand here to say, however shocking it may be to the sensibilities of some Senators, that other precedents of like character should follow.

When the Senate has a particularly important task to do, which can be better done by the selection of a special committee of its Members, the Senate itself should name and elect such committee by direct vote of the Senate.

It should not delegate such selection to the Vice President or to any individual Senator who may be temporarily presiding. I mean no disrespect to the distinguished gentleman who occupies the high office of Vice President, or to any Senator who may have acted as temporary presiding officer, but I lay it down as a great fundamental principle of government that "no power ought to be delegated which can be fairly exercised by the constituent body."

Sir, I believe the time is near at hand when we will change the present practice of naming regular or standing committees of the Senate.

It is un-American, it is undemocratic. It has grown into an abuse. It typifies all of the most harmful practices which have led an enlightened and aroused public judgment to decree the destruction of the caucus, convention, and delegate system of party nominations.

Under the present system of choosing the standing committees of the United States Senate a party caucus is called. A chairman is authorized to appoint a committee on committees. The caucus adjourns. The Committee on Committees is thereafter appointed by the chairman of the caucus. It proceeds to determine the committee assignments of Senators. This places the selection of the membership of the standing committees completely in the hands of a majority of the Committee on Committees, because in practice the caucus ratifies the action of the committee, and the Senate ratifies the action of the caucus.

See now what has happened: The people have delegated us to represent them in the Senate. The Senate, in effect, has delegated its authority to party caucuses upon either side.

The party caucus delegates its authority to a chairman to select a committee on committees. The Committee on Committees largely defer to the chairman of the Committee on Committees in the final decision as to committee assignments.

The standing committees of the Senate so selected, Mr. President, determine the fate of all bills; they report, shape, or suppress legislation practically at will.

Hence, the control of legislation, speaking in a broad sense, has been delegated and redelegated until responsibility to the public has been so weakened that the public can scarcely be said to be represented at all.

Mr. President, I believe the day is near at hand when Members of this body will refuse to permit the secret senatorial caucus to exercise any controlling action upon the public business.

In the course of my reading I came upon a most interesting discussion bearing on this important subject, and it confirmed me in a thought, Mr. President, which has often come to my mind, that in every day and generation there are a few men who rise above the common lot of us, a few men who from their high eminence look out with the eye of prophecy on what is to come. They, sir, are the real statesmen of their time. The mere politician seeing the event of the hour, if honest in his service to the public, applies the best remedy he can to meet the evils of the hour; but real statesmanship is that quality of mind which grasps the facts of a day, and on those facts projects its vision into the to-morrow.

I came on this quotation from Charles Sumner touching on the control of the action of this great representative body by secret caucuses, held behind closed doors, to enthrall the free mind of the public servant. Let me read you these words that once fell in this Chamber from lips now dust:

Mr. SUMNER. Allow me to make one remark before this debate closes, if it ever shall close.

Something has been said about senatorial caucuses. Now, I shall make no revelation, but I shall repeat what for 10 years I have said in this Chamber as often as occasion allowed. A senatorial caucus is simply a convenience. It is in no respect an obligation on anybody. To hold that it is is infinitely absurd and unconstitutional. I mean that—I say—it is infinitely absurd and unconstitutional. We are all under the obligation of an oath as Senators obliged to transact the public business under the Constitution of the United States. We have no right to desert this Chamber and go into a secret conclave, and there dispose of the public business. I say that it is absurd and unconstitutional to pretend that you have.

I make a great, broad, clean distinction between a nominating convention outside, or a caucus outside and a senatorial caucus. A nominating convention or a caucus outside is held in the light of day; it is open; there are reporters present; it is under the direct eye of the people.

I wish I could have had this 15 years ago. I wish I could have known the next utterance that I am to read and have quoted it in the hard struggle that we had in Wisconsin to bring government a little closer to the people; that long struggle to tear down those instruments for manipulating government by political machines—the caucus and the convention. In that contest to remove those artificial barriers between the citizen and the public official these words that I am now about to read from Sumner would have been of great service:

I think—

Mark you, this was uttered away back in 1871. What prophetic vision the man had!

I think that all patriotic citizens are beginning to recognize that even that—

That is referring to a political convention with open doors—the public political convention—

is a very questionable form of proceeding, and I know that there are many who are looking about anxiously for some way in which to supersede it. But there is an immense difference between such an assembly and a senatorial caucus. The senatorial caucus is secret; it is confidential, if you please; it has no reporters present; it is not in the light of day. Why, sir, to take the public business from this Chamber and carry it into such a caucus is a defiance of reason and of the best principles of government. A Senator has no right to abdicate his duties here in this Chamber. He has no right to go into a secret chamber and there constrain himself in regard to the public business. * * *

What I say now I do not say for the first time in this Chamber. * * * In making this protest I say nothing new, but I do it now under a profound sense of duty. Sir, I am one of the oldest members of the Republican Party; in some measure I am one of its founders; I am the oldest Senator in service here; and I bear my testimony now as a member of the Republican Party and as a Senator against the pre-

tension which is set up that a senatorial caucus can exercise any constraint or obligation with regard to public business. It is nothing but a convenience—that is all—and anyone who goes further and insists that it is an obligation runs against the Constitution of his country.

Now, Mr. President, I want to address myself for a few minutes to the effect of carrying the business of the Senate, the public business, into caucuses and disposing of it there. Take, sir, the action of the caucuses of the two parties reflected in the committees, reflected particularly in the appointment and assignment of the Committee on Privileges and Elections. And at this point I read into the RECORD the following tabulation:

MEMBERS OF FORMER COMMITTEE THAT REPORTED ON LORIMER INVESTIGATION WHO ARE MEMBERS OF PRESENT COMMITTEE ON PRIVILEGES AND ELECTIONS.

Senators DILLINGHAM, GAMBLE, HEYBURN, BAILEY, PAYNTER, JOHNSTON of Alabama, and FLETCHER—7.

MEMBERS OF PRESENT COMMITTEE WHO SERVED ON SUBCOMMITTEE OF LORIMER INVESTIGATION.

Senators GAMBLE, HEYBURN, PAYNTER, JOHNSTON of Alabama, and FLETCHER—5.

Mr. FLETCHER. I will say to the Senator that I was not a member of the subcommittee.

Mr. LA FOLLETTE. I do not wish to commit any error.

Mr. FLETCHER. I did not serve on the subcommittee. I never was on the subcommittee. I was on the general committee.

Mr. LA FOLLETTE. I thank the Senator for the correction. I think that is the only mistake I have made.

Mr. FLETCHER. It was Senator Frazier, of Tennessee.

Mr. LA FOLLETTE. Senator Frazier, of Tennessee. He is not a member of the present committee.

Mr. FLETCHER. Or of the Senate.

Mr. LA FOLLETTE. Or of the Senate. That leaves on the present committee four instead of five Senators who served on the subcommittee. I thank the Senator for the correction.

MEMBERS OF PRESENT COMMITTEE WHO, AS SENATORS, VOTED THAT LORIMER WAS DULY ELECTED.

Senators DILLINGHAM, GAMBLE, HEYBURN, BRADLEY, OLIVER, BAILEY, PAYNTER, JOHNSTON of Alabama, and FLETCHER—9.
Total number of Senators on present committee—15.

MEMBERS OF PRESENT COMMITTEE WHO, AS SENATORS, VOTED THAT LORIMER WAS NOT DULY ELECTED.

Senators CLAPP, SUTHERLAND, and JONES—3.

MEMBERS OF PRESENT COMMITTEE WHO WERE NOT MEMBERS OF SENATE WHEN LORIMER CASE WAS CONSIDERED AND DECIDED, THIRD SESSION, SIXTY-FIRST CONGRESS.

Senators KENYON, KERN, and LEA—3.

Now, Mr. President, I have a few more words to say as to what committee should be put in charge of this investigation. Whatever may be said hereafter, I wish to record as a part of what I utter here to-day that I have no personal reflection to make upon any individual. I am arguing for the appointment of a special committee of new men to investigate this matter, because I believe the mind of the average man the country over must, as my mind does, revolt against the idea of submitting this case to a jury or body of men who have already passed upon facts with respect to it. I say, Mr. President, the fact that new—and highly important—testimony has come to our attention can make no difference in the psychology of the case.

The human mind operates in certain well-known and clearly defined lines. It reasons according to well-known and clearly defined principles.

Mr. President, I want to bring the Senate back, if I can, for a moment, to the importance of the business we have in hand. The office of United States Senator, as every one of you must feel, is one of tremendous power.

The vote of a single Senator may change the entire economic policy of the Government. It may unjustly impose vast burdens upon the citizen. It may unsettle our whole financial policy. It may, in effect, subvert the liberties of the people, and set in motion a train of evils which, in the end, will undermine and destroy our free institutions. A single vote may do that.

Mr. President, it is a deeply significant fact that for 70 years after this Government was established the United States Senate had never been humiliated by a call to investigate a charge of corruption in the election of one of its Members.

Since that time, 11 Senators have been summoned to the bar of the Senate to defend against the charge of bribery. In recent years the allegations of fraud and corruption in connection with the election of United States Senators have been rife in scores of legislatures where the positive and direct evidence, always so difficult to secure in bribery cases, has failed to warrant filing formal charges.

It is within the knowledge of Senators on this floor—it must be—that there are scores of cases where charges of gross corruption have been too specific not to find lodgment in the public mind, and yet not definite enough to warrant the bringing of the case to this bar. Some States in this Union have had cases of that sort recur session after session. Seats have been vacant here session after session because of struggles involving bribery and corruption that prevented the consummation of an election. This thing is coming too frequently into the life of the people of this country. I just suggest that, Senators, to plant in your minds at this moment a fact well known to you, to remind you of it as we approach final determination in the matter of reopening the Lorimer case.

A study of the 10 bribery cases—consider this, Senators—a study of the 10 bribery cases tried here in recent years discloses a growing tendency toward the establishing of precedents which make it increasingly difficult to convict, excepting in cases where the proof is overwhelming and notorious. The tendency is all the wrong way.

The decision in the Lorimer case makes another of these unfortunate precedents. In some respects it stands alone—a dark page in the history of lowered senatorial standards.

Blind, indeed, the men who will not see the certain and inevitable result!

The abolition of caucuses and conventions and the nomination of all candidates by direct vote; the election of United States Senators by direct vote; the nomination of presidential candidates by direct vote; the initiative, the referendum, and the recall—all these are but the logical outcome of the betrayal of public trust by public officials.

There has grown up in high places a scorn and contempt for the plain citizen. It has become common to refer to the people as a "mob" and to the people's rule as "the rule of the mob."

Mr. President, constitutions and statutes and all the complex details of government are but instruments created by the citizen for the orderly execution of his will. Whenever and wherever they fail, they will be so changed as to make them effective to execute and express the well-considered judgment of the citizen.

For over and above constitutions and statutes, and greater than all, is the supreme sovereignty of the people!

We need not fear, Mr. President. This is the people's Government. They will not destroy it. They will not permit organized privilege to destroy its vital principle. They will restore and forever preserve it as a Government that shall be truly representative of the will of the people.

They know that the initiative and referendum will place in the hands of the people the power to protect themselves against the mistakes or indifference of their representatives in the legislature. Then it will always be possible for the people to demand a direct vote and to repeal a bad law which the legislature has enacted, or to enact by direct vote a good measure which the legislature has refused to consider.

The recall will enable the people to dismiss from public service a representative whenever he shall cease to serve the public interest. Then no jack-pot politician can hold his office in defiance of the will of a constituency whose commission he has dishonored.

Wherever representative government fails, it fails because the representative proves incompetent or false to his trust. Intrenched in office for his full term, his constituency is powerless and must submit to misrepresentation. There is no way to correct his blunders or to protect against his betrayal. At the expiration of his service he may be replaced by another who will prove equally unworthy. The citizen is entitled to some check, some appeal, some relief, some method of halting and correcting the evils of misrepresentation and betrayal.

The VICE PRESIDENT. Will the Senator suspend for a moment? The hour of 4 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. Mr. President, the initiative, referendum, and recall will insure real representative government and will prove so effective as a check that it will rarely be found necessary to invoke the powers conferred against unworthy representatives in any enlightened and progressive Commonwealth.

So, I say, Mr. President, it is in the power of the representative to so discharge his public trust as to make the foundations of representative government again secure.

And in the case of WILLIAM LORIMER let us so meet our responsibility that the people, whose servants we are, shall find no just cause for criticism.

The validity of a man's title to a seat in the United States Senate should be considered with judicial fairness.

The Senate is sole judge in every case. It is unhampered by legal technicalities. All the limitations in the consideration of the Lorimer case, or in any case involving the right of any Senator to a seat, are limitations of precedent created by this body itself.

Why this constitutional provision? Manifestly the Senate is left free to take testimony, weigh evidence, and decide as to its Members, because it has the responsibility of maintaining its own unimpeachable legislative integrity.

In the consideration of cases of this kind other parliamentary bodies seem to regard it their first duty to keep the lawmaking power above suspicion and strong in the public confidence. All will remember that in the discussion of this case last session many instances were cited where the slightest taint of fraud or corruption was held to be cause for expulsion from the English Parliament.

No one can review the proceedings, the records, and precedents made by the Committees on Privileges and Elections in recent years and not be impressed with the fact that there is a growing and dangerous tendency to invoke every technical possibility of law and precedent for the protection of the individual accused, instead of recognizing as paramount our highest obligation to protect the honor of the Senate and preserve the confidence of the public.

We should remember that it is not our own private business on which we are engaged, where we might properly permit personal considerations to control our action. We have a public duty to perform of the gravest character upon which the Senate can ever act.

Mr. President, we want the confidence of the American people. We have been too long careless regarding it.

We all recognize that the Lorimer case has taken possession of the public mind. The question involved is a moral one, upon which there is great intensity of feeling. Out of this condition arises the demand that when the case is reopened the new committee shall first of all have the confidence of the American public.

Deeply implanted in the Anglo-Saxon mind is the idea of an unprejudiced jury.

We may be unwilling to admit that we can be influenced by our previous action, but the American people will not accept that view. They will not believe that the committee is unprejudiced and fit to reopen and consider the new testimony in this case which conducted the previous investigation and made a report favorable to the seating of LORIMER, which they defended on the floor of the Senate, and confirmed by their solemnly recorded judgment on March 1.

And, Mr. President, I contend that it is unfair to the Committee on Privileges and Elections to refer this case to it for further investigation.

Its work will be prejudged from the start.

It will be heralded as a "packed committee."

The public believes that the Browne, the Erbstein, the Broderick juries, all in cases growing out of LORIMER'S election, were in each case "packed."

It will be too ready to say that this case is in the hands of LORIMER'S friends.

It may be weeks and months before the committee can conclude its labors.

Is it wise, is it just to the committee, that it should conduct its proceedings under a fire of criticism and public suspicion all that time? Will it conduce to the judicial poise and calm, which, in fairness to the public, the Senate, and the accused, should characterize the proceedings of any committee that investigates this Lorimer case? Could a committee under such circumstances do its best work?

Whatever the committee may report, their action will be misjudged. If they should decide for LORIMER again, will the public think it a fair and unbiased judgment? Will the people be satisfied? If they should reverse their former judgment, will the public believe that they do so from conviction?

In asking that a committee of new men be named I have had no ulterior design. The adoption of this resolution would be no reflection on any member of the former committee. If I were a member of that committee, with my convictions formed and expressed as a result of the first trial, I would not consent to serve on a committee charged with the duty of prosecuting an investigation of all the facts upon both sides of this case and reporting the results of that investigation to the Senate.

I would not feel, sir, that I could stand as a fair representative of this Senate directing me to pursue this inquiry impartially as to both sides or with equal vigilance as to both sides.

Mr. BACON. Mr. President, will the Senator permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LA FOLLETTE. I do.

Mr. BACON. Of course the Senator recognizes that the ultimate decision of this question is to be by the Senate. When the question was before the Senate upon a former occasion both the Senator and myself voted that Mr. LORIMER was not entitled to his seat in the Senate, because, according to our judgment, upon the evidence taken his election had been procured by corruption; and I want to say that the Senator was not more fixed in that conviction and conclusion than I was, and I have never seen any reason to change my opinion in that regard.

The question I wanted to ask the learned Senator is, whether in view of the fact that we are to be the ultimate judges after the work of this committee shall have been completed, the reasoning of the Senator in this case would not disqualify both himself and myself from sitting as final judges in the case?

Mr. LA FOLLETTE. Mr. President, the question of the Senator from Georgia to my mind is very easily answered. I take it that Senators will vote as they believe right on the record that is presented here. But I, Mr. President, would conceive it to be a very different office to be sent out to search the country over for the facts upon which the Senator from Georgia and other Senators must finally act. I take it that Members of the Senate who are lawyers will, and must, when their attention is directed to it, readily see that there is a wide difference between passing upon the facts as they shall be established by the sworn proof brought in, and making an excursion over the country to secure those facts. A little less vigilance here, a little more activity there, a present notion of what testimony is admissible, a fixed idea as to the bearings of the evidence written into the past record of the Lorimer case, these influences, acting as a check and a hamper upon the free exercise of the mind of the man who acts on the committee of investigation, will all have a most important bearing on the character and thoroughness of that investigation.

We are none of us, Mr. President, free from those influences which come to us as a result of the positions we have taken and defended in the past with all our zeal; and I say, sir, that there is a wide difference in the office that shall be performed by Senators who sit here to pass upon the information that is to be brought back to the Senate out of this investigation and the office performed by the men who shall go out to make that investigation.

For my part, sir, I want this Senate to send out men who are absolutely free. I mean by that men who are free from any preconceived convictions about conducting the case. My use of that word reflects not in the slightest upon the integrity or the honor or the sensitiveness of any Senator. Nearly all Members on this floor are lawyers. I do not believe there is a man here who would be willing, or ever has been willing, to take a case into which he could not enter fully and whole-heartedly, without restraint, without reservations. I would not. I never did. If a client came to me with a case and did not seem to have the right side of it I let him go. According to my view, that is right. I am subject to mistake, I admit, and that may be a narrow view, but it is what guided me in my professional life. When I enlisted for a client, I enlisted my best services.

I believe we ought to select men here who are not zealous against Mr. LORIMER or zealous for him, but men who will recognize, first of all, that the public has the paramount right in this case, then the Senate, and then Mr. LORIMER; that they must conduct their investigation with perfectly free minds, pursuing and recording and bringing to the Senate every fact that will tend to prove that Mr. LORIMER was honestly elected; pursuing every fact that will tend to prove the contrary, of which there are witnesses ready to testify, so that when their duty is performed there will be no shred of testimony left lurking in any secret place in Illinois or elsewhere that can aid the Senate in arriving at a just conclusion.

I do not believe that work can be done by selecting men who have been on the case before. I say that without any disparagement to those men, and I would say it as freely if I myself had been on the former committee. Had I been assigned to the Committee on Privileges and Elections—and I would have been glad to have had an assignment on that committee, because it is work of investigation for which I have a liking—I would still have felt constrained to criticize my right

to sit as an investigator in this particular case upon which I had previously acted. Every Senator must act for himself. I have no word of criticism for any Senator who holds views to the contrary. Even supposing a select committee did not do any better work than the Committee on Privileges and Elections may do, it would still redound to the fairest and most satisfactory disposition of this case if we named new men. A select committee of new Senators would, at the very outset, engage the confidence of the public. It would take up its task without a word of criticism from the public, without anybody saying, "Oh, well, it is all up; the same old result."

Now, that would be unfortunate, even if the result were otherwise. It is not good to have that impression hammered into the public mind over and over again during the next six months. Its influence upon the work of the committee is bad; its influence upon the witnesses is bad; it stiffens up the backs of men who will commit perjury; it fortifies men who would dodge.

Do not, I plead with the Senate, start on the wrong road in the reinvestigation of this case, which has taken such a deep hold upon the mind of the public. Everywhere, all over the country, people are showing a most remarkable zeal in following this case, step by step. Associations and groups of citizens, remote from the State of Illinois, are registering their protests in memorials and resolutions.

Now, Mr. President, to come back to the point at which I was diverted by the question of the Senator from Georgia, I say if I were a member of that committee, with my convictions upon the case formed and expressed, I would not consent to serve on a committee charged with the duty of prosecuting an investigation of all the facts upon both sides of this case and reporting the results of that investigation to the Senate. And, as it seems to me, the Committee on Privileges and Elections would not care to be charged with this grave responsibility, but would prefer to remain free to vote for or against the report of the new committee, according to their conscientious convictions.

If it were a matter outside of the Senate, Mr. President, and such an investigation or reinvestigation of this case was pending in any organized body in any court or forum of any sort in the world and one of the Senators who had previously participated in the case were called upon to serve again, I can not conceive that he would not rise in his place and say, "I served on one committee in this case; I arrived at a conclusion. Of course there has been some new testimony discovered; but, Mr. President, I have certain fixed convictions in my mind on the bearing of testimony upon which I passed and it would take something to root those out, and I do not think that I ought to serve on this committee. I think that a committee or a jury or a body of men ought to be called whose minds are fresh and open."

I say if there is to be a new investigation, it should be an investigation by the Senate itself, if that were possible; that is, such an investigation should reflect in its thoroughness of every detail and in its results, the will of this body.

Now, Mr. President, as important as this investigation is to the integrity of the Senate and all its proceedings, that is manifestly not feasible.

But it is feasible, and it is supremely important, that this investigation be made, as nearly as lies within the power of the Senate, the work of the Senate.

How can this best be done?

By turning it over to a committee that has not been appointed with reference to this particular case, a committee that was selected to take charge of questions generally affecting privileges and elections, a committee 7 members of which were upon the committee that formerly passed upon this case and reported that LORIMER's election was valid, a committee 5 members of which constituted a majority of the subcommittee which determined the scope and character of the former investigation; a committee of 15, as at present constituted, of which 9 members, by their votes as Senators, confirmed the title of WILLIAM LORIMER to a seat in the Senate?

Or should the investigation be conducted by a committee directly delegated by this body, and especially with reference to this case—a committee composed of new men who have not the handicap of a previous judgment; who did not hear, try, and determine any of the issues involved in the former trial, who have no record to constantly confront them, no erroneous rulings made in the former case as to the admissibility of evidence to limit the scope of a new inquiry, no bias as to witnesses who testified before, no mistaken declarations as to the rules of law which should govern, but who, one and all, can come to the investigation of this case with open, unprejudiced minds, both as to the testimony of witnesses taken on the former hearing, and the new evidence which this investigation will uncover?

Is it not in accordance with all the precedents of the centuries behind us that we should commit this case to new men, so long as they are available? And we have new and able men—men strong in the public confidence, bipartisan but nonpartisan. This is not a party issue. It involves the honor of both of the great political parties, the honor of the Senate, and the honor of the Nation.

Mr. President, at the proper time I shall offer as an amendment to my resolution that the names submitted there be stricken out and that the Senate elect by a majority vote, in the open Senate upon a roll call, five Senators to make this investigation, and that only those Senators shall be eligible to serve upon the committee who were not Members of the Sixty-first Congress.

And, sir, I shall still further amend the resolution by providing that it is the sense of the Senate that the investigation shall be made promptly.

I thank the Senate for its great patience in following me.

Mr. BAILEY. Mr. President, I speak without their authority, but I am sure that I speak with absolute accuracy when I say that in view of the testimony elicited by one of its committees, and in view of the resolution adopted by the State Senate of Illinois every Democratic Senator favors a further and a thorough inquiry into the election of Senator LORIMER. That was the mind of Democratic Senators before the Senator from Wisconsin began his extended address, and that is the mind of Democratic Senators since he has concluded it.

I think, Mr. President, that I have fairly expressed the opinion of all Democratic Senators in what I have just said, but in what I am now about to say I state the position of only a part of them. We favor this investigation because it is alleged that new and material evidence of corruption has been found, and we feel that if that allegation can be established the Senate owes it to itself, and owes it to the country, to hear it and consider it. But, sir, it is upon this new evidence we base our votes and not upon any dissent from the former judgment of the Senate, nor upon any dissatisfaction with the work of the subcommittee which conducted the former investigation. With some immaterial exceptions, that committee did its work as well as any committee of this Senate could have done it, and it can not be fairly criticized because some who now claim to know about those transactions concealed their knowledge from that committee and afterwards imparted it to another committee or to other people.

If there were no new evidence I would not vote to grant a new trial, because here, as elsewhere, there must be a finality of judgment; here, as elsewhere, we must sometime reach the end of even a proceeding like this; and if, without the discovery of new and material evidence, the Senate of each succeeding Congress could reopen and review the judgment of the preceding Senate, we would forever be in a struggle over questions like this. It happens that this case possesses no party significance, and, consequently, Senators have divided on it without the remotest reference to their party affiliations. But I can not close my mind to the fact that in that respect at least this is rather an exceptional case and that on many occasions there have been party advantages sought and party advantages to be obtained by reopening questions like this.

I have as much respect for public opinion as any Senator ought to have, and, without intending to defy it, I say to the Senate and to the country frankly that public sentiment could not control me in a matter like this. When we come to pass upon the election returns and qualifications of our Members, we act, sir, in a judicial capacity, and if I were a judge upon the bench, I would yield as soon to the clamor of the crowd which thronged my courtroom and demanded a new trial as I would grant it upon the public demand in this case.

We decide these questions upon our oaths. The Senator from Wisconsin [Mr. LA FOLLETTE] himself has well said that we should decide them with judicial fairness. Can we, sir, decide them with judicial fairness with one eye upon the evidence and the other turned toward the angry crowd? Oh, no, sir; the Senate must not be swayed by considerations like that. But I venture to believe that the Senator from Wisconsin has not correctly judged public sentiment on this question. Sir, clamor is not sentiment. To see the newspapers filled with certain demands does not always indicate that the people approve those demands.

Mr. President, even if this were a question in which we might consider public opinion, I would demand to know whether or not that public opinion were well informed, and I am able to say to the Senator from Wisconsin that in this case it is not well informed.

All Senators here, all sensible men everywhere, will agree that before the judgment of any man with respect to this case is

entitled to be considered he must have read the evidence and he ought to have studied the law. As the people do not employ their minds about the cold and technical rules of law, I waive that requirement in this case, but I still demand that those who censure us and demand that we review and reverse our judgment shall at least know something about the facts. Do the American people understand them, sir? They are to be found in a printed volume covering more than 700 pages. How many busy men in this Republic have rested from their several tasks to study that testimony? How many men in their homes or about their business places have occupied even their leisure hours in reading it? Fortunately we are not left to guess. True, we can not number them by an actual count, but the records of this Senate furnish us an almost infallible index.

When this testimony was printed, the committee only ordered eight copies of it deposited to the credit of each Senator for general distribution. They did not order a larger edition because the experience of all these years had taught them that there was never an extensive public demand for a document like that, and they believed that to print a larger edition would be a waste of public money. That they judged wisely is made apparent by an examination of the books of the folding room. Let me tell the Senator from Wisconsin that on the day when the Senate took the vote on the resolution declaring LORIMER'S election illegal, out of the 736 copies of that testimony to the credit of Senators for general distribution but 14 copies had been withdrawn. Not only so, but on yesterday 631 of that 736 copies still remained in the folding room.

If millions of these good people have rejected our judgment, upon what have they based their conclusion? On extracts from the testimony printed in the newspapers. Are we to try men in that way? I think not. Mr. President, I believe it is a reflection upon the intelligence of the American people to say that they assume, without having read this testimony, to understand it better than Senators who have studied it under the sanction of an oath.

While that case was still pending I had a personal illustration of how honest men may be misguided by their zeal. I received a letter from a citizen of Illinois, who wrote like an intelligent and an honest man, and he raised the presumption in my mind that he was both by telling me that he had been a lifelong Democrat. He further did me the honor to state that he had for years read with attention and with approval what I had said concerning public questions, and expressed his deep regret that I felt called upon to defend the validity of LORIMER'S title to a seat, whom he declared guilty beyond all doubt. Ordinarily I do not answer letters of that kind, but this man made such an earnest appeal to me and he seemed such a good man that I answered him and told him that as he wrote like a good man, had been a lifelong Democrat, it looked like we ought not to differ very much about a question which we both understood. I told him, further, that perhaps I had overlooked some very important testimony in this case, and if he would point out the testimony which had convinced him that LORIMER'S election was procured by bribery I would be glad to give it renewed and earnest attention. The good man, missing the gentle irony of my letter, replied by saying that he had not seen a copy of the testimony, but that if I would send him one he would examine it and call my attention to it. [Laughter.]

I believe that he was a good man, Mr. President, but his judgment could not influence me, because his judgment was not formed upon information; and I think the state of mind which he exhibited is largely the state of mind existing among the people who are dissatisfied with the judgment of the Senate.

Mr. President, I shall not have anything to say about the contest between a special and general committee, although I could freely discuss that, because I was not a member of the subcommittee previously appointed. But I will say to the Senator from Wisconsin that the Mallory case, which he cited as a precedent, is not in point, because at that time there was no Committee on Privileges and Elections in the Senate. That is rather a curious historical circumstance. The very first contested election case ever appearing here—and I thank God sincerely it involved no corruption—was referred to the Committee on Elections. Let me digress here long enough to tell the Senator from Wisconsin that I rejoice as much as he does that in those first 70 glorious years of this Republic corruption never laid its foul hand upon this Assembly; and let me remind him that in those years we never heard anything about the initiative, the referendum, or the recall. The first case was that of Kensey Johns, involving purely a question of law. The record says that it was referred to the Committee on Elections. The next case was referred to a select committee, and the Senator might have found that in the cases immediately preceding the Mallory case a select committee was appointed in each instance. In other instances questions touching the rights of Senators to their seats were referred to the Committee on the Judiciary.

I have here a volume of Contested Election Cases, compiled by the clerk of that committee, and he has a statement on page 23 that the Committee on Privileges and Elections was organized in the first session of the Forty-second Congress. As a matter of fact, as shown by the records of the Senate, that committee was first appointed on the 10th of March, 1871. Since that time there has been no effort to create a select committee. There has been no proposal to refer these questions to any other committee, except in two instances, as I recall. One was the case of Powell Clayton, which involved some reconstruction conditions in the State of Arkansas; and in that case I think that the motion to appoint a select committee of three prevailed. The other, as I now recall, was the case of Spencer, from the State of Alabama, where again conditions growing out of reconstruction measures were involved. In that instance, if I am not mistaken, the motion to appoint a select committee was rejected.

Mr. President, speaking for myself alone, though I am sure that I could include in that statement every Senator here, if this further investigation shall develop that this seat was obtained through bribery and corruption, the Senators who voted to sustain its validity before will be the first to declare that election void. We acted then upon the evidence and the law as we understood them. Certainly, sir, we acted under every temptation to vote the other way. I knew, and those who agreed with me understood as well as I did, that the public mind had been filled with an unreasonable and unreasoning prejudice in this matter. I understood, and so did they, that a vote to vacate that seat would win for us the approval and the applause of thousands who had never looked into that volume of evidence. We knew, besides, that the vote we gave would subject us to censure from one end of this Republic to the other; but in God's name, were we to do our duty as we understood it, were we to keep inviolate our oaths, or were we to yield to a popular demand?

Mr. President, I believe in a representative republic, and when the people in my State have deliberately made known their will I will obey it or I will return to them the commission which I bear. I am not one of those who believe that a man may keep the people's office and defy the people's will; but, sir, the public will which I respect is one which permits me to respect the obligation of my oath, and a people who demand of me that I ignore the evidence and trample upon the law in a case like this are welcome to my commission whenever it pleases them to ask for it.

I go further, Mr. President, and I say to the Senate and to the country that if it shall transpire upon further investigation that this seat was procured through bribery and through corruption, I and those who acted with me on the former occasion shall have added to our plain sense of duty the motive to set ourselves right—not right, sir, before the country; we do not need to do that, but right before our conscience and before our God. If we have saved the seat of a man who was guilty of buying it, or whose friends bought it for him, we owe a reparation, and the Senator from Wisconsin will not be readier than we will be to make it.

Fortunately, Mr. President, in my opinion, with the lead now furnished to the committee, if corruption and bribery were practiced, the escape of the guilty men is impossible. The committee can take the attorneys for which the resolution of the Senator from Virginia [Mr. MARTIN] provides; they can take the expert accountants, for which it also provides; they can go to the business houses of the men accused; they can go into the banks, and under the process of the Senate they can compel those people to open their books, and with these accountants I have no sort of doubt that if a corruption fund was raised and spent, that fact can be clearly established. And if that shall be done, sir, we will give the country instant and convincing proof that the Senate of the United States will not shelter a corruptionist or the beneficiary of corruption.

But, Mr. President, let us remember this—and when I have said that I am done—let us remember that as important as it is that the Senate shall enjoy the public confidence, it is still more important that we shall preserve our self-respect. I will trust the destiny of this Republic to Senators who would give up their office rather than to do violence to their conscience, but I will not give it into the keeping of men who are prone always to hear and always to heed the emotional exclamations of the people. A Senate, sir, which will sin against its conscience and its judgment is not fit to legislate for 90,000,000 freemen, and it will not safeguard the rights of our children and their children's children through all the years to come. A

Senate, sir, conscious of having betrayed itself, will not hesitate to betray our countrymen.

Mr. DILLINGHAM. Mr. President, I am not authorized to speak for the Republicans of this body; I can only speak for myself personally and for such of the Senators on this side of the Chamber as I have by chance conversed with; but if there be any Senator on the Republican side who is opposed to the reopening of this case and the prosecution of further inquiry, I do not know who he may be.

It has been known to everybody that an investigation by the upper branch of the Legislature of Illinois has been in progress for some time past, and it is undoubtedly true that every Senator has closely watched, as I have done, the daily press to learn what developments have been made. I was only expressing the conviction which I had reached and which probably others had reached, when on the 22d instant I introduced into the Senate a resolution providing for the reopening of the Lorimer case and for the reference of it to the Committee on Privileges and Elections. I did that, sir, because I thought I understood the character of this body and its duties under the Constitution, a body that is the sole judge of the elections, returns, and qualifications of its Members; and, being the sole judge, is clothed with tremendous responsibilities, which call for the exercise not only of conscience but of a wise judgment and just action.

In looking through the history of election cases which have come before this body, my attention has been attracted to the case of my distinguished friend who sits at my side [Mr. DU PONT]. It occurred in 1897, when upon the presentation of his credentials a seat in this body was denied him. An application was made for a rehearing, but the Committee on Privileges and Elections, to whom the application had been referred, found that the facts were unaltered, and the request was not complied with; but the committee, at that time consisting of George F. Hoar, William E. Chandler, J. C. Pritchard, J. C. Burrows, George Gray, David Turpie, James L. Pugh, and John M. Palmer, made a report to this body which so fully and clearly sets forth its character as a court, its responsibility, and its duty that I venture to read from it on this occasion. They said:

> The majority of your committee now, as then—

Referring to the previous action—

> The majority of your committee now, as then, are of the opinion that this decision of the Senate was wrong; but the Senate is made by the Constitution the judge of election, qualifications, and returns of its Members, and its judgment is just as binding in law, in all constitutional vigor and potency, when it is rendered by 1 majority as when it is unanimous.
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> It is clear that the word "judge" in the Constitution was used advisedly. The Senate in the case provided for is to declare a result depending upon the application of law to existing facts, and is not to be affected in its action by the desire of its Members or by their opinion as to public policies or public interest. Its action determines great constitutional rights—the title of an individual citizen to a high office and the title of a sovereign State to be represented in the Senate by the person of its choice. We can not doubt that this declaration of the Senate is a judgment in the sense in which that word is used by judicial tribunals. We can conceive of no case which can arise in human affairs where it is more important that a judgment of any court should be respected and should stand unaffected by caprice or anything likely to excite passion or to tempt virtue. When the Senate decided the question it was sitting as a high constitutional court. In its action we think it ought to respect the principles, in giving effect to its own decision, which have been established in other judicial tribunals in like cases and which the experience of mankind has found safe and salutary.

They say further:

> We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered, or where by reason of fraud or accident it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or error or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their minds as to the law or fact which is involved.

Mr. President, it seems to me, in consideration of the new evidence which has been discovered by the committee of the Illinois Senate, and in view of the difficulties it has encountered in securing witnesses from other States, and especially in view of the request of that body that the case be further investigated by the Senate of the United States, that this body, possessing this great power, this great responsibility, should follow the lines which the courts of law have always adopted under similar circumstances and grant a new hearing and make further investigation. Such action, under similar conditions, is what has given our courts their stability for more than three centuries. The very fact that they possess great powers has laid upon them great obligations, when a proper case is presented, to open that case to further consideration. For similar reasons and because I became convinced that this body ought to take such action in this case, I presented the resolution before mentioned providing for it.

Mr. President, I need not say any more than this regarding the committee to which the investigation should be committed. I have examined the records from 1855 down to the present time, and I do not find a case where a special committee has been appointed to take into consideration the question of the election of a Senator to this body.

The case of James Shields, of Illinois, in 1853, and the case of Mallory, which has been cited, were sent to special committees. But as has been said by the Senator from Texas [Mr. BAILEY] the Committee on Privileges and Elections was formed in 1871, and every case of this character, from that date to this, has been referred to the Committee on Privileges and Elections. The line is unbroken. I have a list of the cases since 1871, which I will place in the RECORD.

The list referred to is as follows:

SENATE ELECTION CASES.

Cases referred to Committee on Privileges and Elections, covering all election cases since 1871.

1871. Reynolds *v.* Hamilton.
1871. Goldthwaite, of Alabama. Report by Stewart.
1871. Norwood *v.* Blodgett, of Georgia. Mr. Stewart reported.
1871. Ransome *v.* Abbott, of North Carolina. Reports by Logan and Carpenter.
1872. Pomeroy and Caldwell, of Kansas. Reports by Logan, Morton, and Thurman.
1872. Sykes *v.* Spencer, of Alabama. Reports by Carpenter and others.
1872. George *v.* Spencer, of Alabama. Reports by Carpenter and others.
1873 to 1880. Louisiana cases. Committee directed to inquire whether an existing legal State government in Louisiana and to look over credentials of McMillan and Ray. Reports by Carpenter and others.
1873. Bogy, of Missouri. Report by Morton.
1877. Corbin *v.* Butler, of South Carolina. Report by Cameron.
1877. Grover, of Oregon. Report by Wadleigh.
1879. Ingalls, of Kansas. Report by Salisbury.
1881. Lapham *v.* Miller, of New York. Report by Hill, of Georgia.
1886. Payne, of Ohio. Reports by Pugh and others.
1887. Lucas *v.* Faulkner, of West Virginia. Report by Hoar.
1890. Clark and Maginnis *v.* Sanders and Power, of Montana. Report by Hoar.
1890. Shoup and McConnell, of Idaho. Report by Hoar.
1890. Dubois, of Idaho. Report by Hoar.
1891. Claggett *v.* Dubois, of Idaho. Report by Mitchell.
1891. Call, of Florida.
1892. Davidson *v.* Call, of Florida. Report by Turpie.
1893. Roach, of North Dakota.
1893. Ady *v.* Martin, of Kansas.
1895. DU PONT, of Delaware. Report by Mitchell.
1897. Addicks *v.* Kenney, of Delaware.
1898. Hanna, of Ohio. Report by Chandler.
1899. Scott, of West Virginia. Report by McComas.
1899. Clark, of Montana. Report by Chandler.
1906. SMOOT, of Utah. Report by Burrows.
1911. LORIMER, of Illinois. Report by Burrows.

Mr. DILLINGHAM. Now, I want simply to say, before action is taken, that it is my opinion, as it is the opinion of the Senator from Texas [Mr. BAILEY], that if an investigation is ordered at this time it should be conducted along broad lines, that it should be deep, that it should be searching, that every possible fact that can shed any light on the circumstances attending the election of Senator LORIMER should be secured and presented to the Senate, and that evidence should receive from the committee that special consideration which will enable them to present a report to the Senate which will command its respect and which will command the respect of the people.

Did I not believe that the Committee on Privileges and Elections is composed of men of such character, ability, and honor that they would be able to do this I should hesitate to make this request. But knowing its membership as I do, knowing the Members of this body as I do, I believe that both the committee and the Senate are composed of men who can rise above any impressions derived from any previous consideration of this question to a new and independent consideration of the facts as they may be developed by further investigation.

For these reasons I hope that the case may be reopened, and that it may take the orderly course of procedure which has been ordained in this body.

Mr. BORAH. Mr. President, the course which this debate has taken justifies me in saying a word before the vote is taken upon the resolution or before it is disposed of.

I presume if this had been an ordinary matter, coming up in the ordinary way, the usual resolution would have been introduced and have gone to the regular committee and been disposed of in the usual and regular manner. But, of course, we all recognize that it has not come up in the ordinary way or in the usual manner in which these matters arise.

We are confronted with the proposition that there has been one investigation and that the old Senate, if I may refer to it in that way, debated the matter extendedly and extensively and very earnestly, that both the committee and the Senate as a

body were committed to certain ideas and preconceived opinions. Therefore it devolved upon those who initiated the proposition of a reinvestigation to outline, if practicable or possible, a mode of investigation which would lead, as nearly as could be done under the conditions of affairs as they exist here, to a hearing before a committee which was not bound either pro or con by reason of previous conviction.

Mr. BAILEY. Will the Senator from Idaho permit me to ask him a question?

Mr. BORAH. Yes.

Mr. BAILEY. Does the Senator from Idaho believe that there is a Senator in this body who, upon the evidence as it now stands, has not an opinion upon the case?

Mr. BORAH. I do not. I should not want to believe that, and I do not.

Mr. BAILEY. Then they are all disqualified.

Mr. BORAH. Undoubtedly that is true in one sense. But, Mr. President, that is one of the conditions which can not be avoided. There is no other body to pass upon this matter. But the matter of an investigation, of going and searching for evidence, the matter of inquiry, should certainly be conducted, if possible or practicable, by a committee which has no preconceived opinions as to the kind of testimony, the method of admitting testimony, or preconceived opinions as to witnesses or the standing of witnesses, if that can be done.

If this were the old Senate, I have no notion that the idea which is involved in this resolution would ever have been incorporated in a resolution.

But, Mr. President, I rose to say that it was this idea—whether it be a correct one or an incorrect one—which actuated those who were consulted in reference to this resolution, and certainly not any desire upon the part of some of them, at least—and I believe all—to reflect upon the Committee on Privileges and Elections or the Presiding Officer of this body.

We may have been in error as to the proper mode of proceeding. That is a matter for debate. But this was the reason for our proceeding in this way. I wanted to say before I cast my vote that I would not be a party to a willful or a purposeful reflection upon any member of that committee or the Presiding Officer of this body, and would not have consented to a resolution naming a special committee had it not been possible to incorporate in that committee new Members of the Senate, *which* seemed to me a perfect justification for the procedure.

I say furthermore, with some frankness, that it was with some difficulty that I arrived at a conclusion as to whether a reinvestigation ought to be made at all or not. I had supposed when the vote was taken in the previous session that the matter was ended. Indeed, I was convinced that it ought to end there. But after the investigation began at Springfield a new line of testimony was brought forward, and certainly, whether the evidence is conclusive or not, it all points in one direction and tends to prove one fact, and that is that the title to this seat is based upon corruption.

Certainly we must all admit that if those who are charged with having done so were going about in the city of Chicago to collect assessments to pay for seats here they were not doing so as a mere matter of pastime or as a joke. It must further appear conclusively to all that if there was anyone who was putting up money for the purpose of paying for a seat in this Chamber they were doing so because they expected an interest in the seat when it was purchased. And that kind of evidence, Mr. President, was so startling and of such import that it was new and distinctively new to the kind of evidence which had been gathered by the committee at its prior hearing.

In other words, this was not an election where parties, through their party zeal or party interest or personal loyalty, had gathered for the purpose of an election and through their zeal accomplished it by fair means or by foul. But it was an instance, if the evidence is to be believed in its import, where parties deliberately set about to purchase an interest in a seat in this Chamber. It sounds like the gabble of idiots to say that business men, who do not expend $10 without knowing where the return is to come from, would put $10,000 in the purchase of a seat in this Chamber unless they expected some return from that investment.

Such evidence necessitated a reconsideration, notwithstanding the fact that justice, as suggested by the Senator from Texas [Mr. BAILEY], might ordinarily require that there be an end of such matters at some time or other.

Furthermore, Mr. President, and this was another matter which would have some bearing upon this question, it must be conceded that the judgment as taken in this Chamber at the last session was unsatisfactory. By this I do not mean to imply who was right or who was wrong. But that the Senate of the United States should evenly divide or almost so upon a question not involving party alignments or party politics, but a simple question as to the integrity of a seat, was not only unsatisfactory to the country, but it was highly unsatisfactory to the Senate. It was in a large measure because there was a persistent rumor to the effect that there was evidence yet undiscovered, that the case as brought into this Senate Chamber was incomplete, that the investigation, whether with fault or without, was not conclusive; and the matter terminated not only with the practically even division of votes, but with the belief prevailing to a very large extent that the committee had been unable to procure all the evidence which was at hand.

Under such circumstances the investigation began at Springfield, and under such circumstances this new evidence, pointing to the source of supply for this corruption fund, was revealed, and then the only question to be presented was the manner of the reinvestigation. As I said a moment ago, those who offered the resolution did so because they believed that it was the nearest approach to a new jury for a new trial that could be had on the next investigation. We could not have a wholly new Senate, but we could have a wholly new investigating committee. It was our duty we felt to go as far in that direction as conditions would permit.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I do.

Mr. BAILEY. I think the Senator from Idaho is not happy in describing the Senate as a jury. I hardly think he would make a motion for a new trial to the jury. He would go to the judge, and after the judge had granted his motion for a new trial, I hardly think the Senator from Idaho would ask him to recuse himself.

Mr. BORAH. I think that this practice would prevail, however: If I were seeking to have a rehearing before a body which is recognized in the court as a proper body to hear the evidence, I would want a body which had not passed upon the case, if I could get it. I might be answered by some friend who wanted the same jury which had decided in a certain way, "If the members of this jury are convinced they are wrong, they have sufficient manhood to change their opinion." But I would know, as every man knows, that you can not approach the mind which is once convinced and get the same equity and the same unprejudiced hearing and the same attention that you can when you approach the mind which has not yet been convinced, although one may be just as honorable and just as honest as the other.

Mr. BAILEY. If the Senator from Idaho will permit me, I can understand how his objection would be well founded if the Senate is to be regarded as a jury, but I do not think that it is well founded if the Senate is to be regarded as a court. In all my experience at the bar I never thought it necessary to ask a judge to recuse himself after he had granted me a new trial upon the ground of new and material testimony. I have always rather thought the fact that he granted a new trial indicated that he believed that the testimony, if produced, would be decisive of the case.

Mr. BORAH. I will venture to suggest that if the Senator from Texas has had the experience that other lawyers have had, while he did not ask for a new judge he would have done so many times if it had been possible to get him.

Mr. BAILEY. I have been where I would ask for a new judge after he refused my motion for a new trial, but never where he granted it.

Mr. BORAH. The Senator would not ask for it after he had refused the new trial, because his only remedy would be to appeal to another court, which remedy we have not in this case.

Mr. BAILEY. I would rather recall him under the modern practice.

Mr. BORAH. The Senator from Texas does not believe in that proposition. I am afraid he is not sincere in that statement.

Mr. BAILEY. I said under "the modern practice," not under mine.

Mr. BORAH. Mr. President, it may be that this testimony which has been adduced at Springfield is not sufficient to reach conclusively to the title of the sitting member. It may, indeed, be true that some of the business men of Chicago, sitting around their clubs or social dives, talk about purchasing seats in this Chamber as a mere matter of intellectual recreation. Or it may be that their moral appetites have become so imbruited in the pursuit of their several lines of business that they find some pleasure and take some pride in boasting of crimes which they feel unfortunately they have never had an opportunity to commit. But, Mr. President, if some wealth-ridden financial accidents are going about in the high places

and the business centers of Chicago talking about collecting assessments for the payment of seats in this Chamber, which, in fact, have not been purchased, still I would have this investigation proceed with the same rigidness and the same thoroughness, not only that the imputation might be removed from this body, but that such men might be branded before the world as common street liars.

It is almost as important to remove the imputation of slander from this Chamber as it is to remove the man who has purchased his seat. And there is only one way in which to do it, and that is to secure the presence of those who assert these things, whether they be true or not, and let them state before an inquiring body what reasons they had for making assertions of that kind.

I would not permit a man to talk in cold blood of purchasing seats in this Chamber, as if it were a market place or a stock exchange, and then seal his lips and close his books when the facts are wanted and the truth is demanded. Against the integrity of this body I would not permit, nor would the law permit, if it were properly applied, a man to plead his personal convenience or his personal affairs. Against the integrity of a coordinate branch of this Government the law is sufficient to gather all the facts, wherever they may be buried, and the law is sufficient, if necessary, to break the bank and jail the officers to enable a committee of this body to look into the contents of every book which would exonerate or condemn. It was for that purpose, Mr. President, without reflection upon those who had their preconceived opinions as to the law, that some thought it was necessary to have a new inquiring body, if it could be had.

I recall one instance, as an illustration, in the other investigation which, in my judgment, if it should be followed in this investigation, would lead precisely to the same result that it did in that. It was a matter of law, about which, I presume, the members of the committee would have the same conviction, and that was with reference to relieving Mr. Broderick from testifying before the committee. It was perfectly apparent upon the face of it why Mr. Broderick did not want to testify. It was perfectly apparent, as it was afterwards disclosed in his trial, that he proposed to prove what was, in effect, an alibi. To prove that when it was said that he went into the side room with Mr. Holstlaw, that he did not go there at all. Therefore he went upon the witness stand and told only a part of his story. He told it all until he got to the place where it was vital to his defense, and then, in violation of a well-established legal principle, he was permitted to close his lips. The result of it was that when he went to Springfield to put in his defense, he pulled out his satellites from his saloon and proved that Mr. Holstlaw was not in the side room with him at all; that he (Broderick) did not leave the presence of those who were at the bar, and did not pass into the side room where the money was paid.

For this reason, and others which might be cited, it was reasonable to conclude that a new committee would give a hearing upon legal propositions, and accept them more readily than one which had already taken a position in regard to them.

But, Mr. President, I can not dissociate this question and these matters from the larger question, and that is, What is to be the ultimate effect of such matters as this upon this body and upon representative government itself? It requires an optimistic turn of mind indeed not to see in the present condition of affairs a troubled future for these institutions which our fathers gave us. We have had contentions heretofore as extended as the broad domain of the Government itself. We have had a civil conflict largely to determine the meaning of the Constitution. But we have never before had in this country to any considerable extent disbelief in the theory and the framework of our institutions as such. It is now seriously charged and many good people believe that representative government is breaking down. It is believed that representatives are not always free to serve the public. It is believed by many that their sympathies are away from those whom they are supposed to serve. And hence there is a widespread and a widespreading sentiment in favor of having less and less of representative government.

Who can blame the masses for becoming dissatisfied with a system which gives us such State legislatures as are now most prominent in the public eye? Where the lawmakers of the great Commonwealths, lawyers and business men, seem to be actuated and guided and controlled in the discharge of their public duties by two motives, and only two, that of grand and petit larceny. Hence, public thought upon affairs of government are heading in two directions, both of them away from representative government. Upon the one hand there are those who seem to think that the solution of the question rests in a more bureaucratic form of government. A government with an autocrat in the shape of a bureau chief, responsible to no person and answerable to no people, to whom the President should yield obedience, and to whom the people should yield submission. A bureau which, through its worn-out and unbusinesslike system of red tape, may take up a matter with this generation and, if nothing unforeseen happens to delay it, conclude it with the succeeding generation.

Upon the other hand, there are those who would dispose, if possible, or so far as practicable, with the representative agency in government entirely, and would both enact and execute laws by popular vote. Both of these movements are manifestations of distrust of representative government. Both of them indicate a belief upon the part of the popular mind that there is a failure in representative government to do what the fathers believed it would do.

Mr. President, while we are dealing with these grave questions of changes in government, some of which are important and useful, let us not overlook doing the simple thing, the direct thing, the thing now at hand to be done, and that is to restore confidence in representative government as we now have it. Let us meet the responsibility that is now with us and discharge the obligation that is now upon us and cleanse representative government of corruption, and, what is equally important, cleanse it of the reputation and the imputation of corruption. It is up to this generation to rehabilitate representative government and restore confidence if we would preserve it.

Those who still cling to the old faith, who still believe that let come what may—the representative principle is essential and indispensable to free institutions—must set about to fit representative government for the conditions of modern affairs.

The first thing to do, Mr. President, is to proceed against corruption in high places in that rough and rugged and determined and uncompromising way which shows that we hate it and look upon it as a menace to our institutions, rather than a thing to be expected and ignored and compromised with and finally forgiven.

It is perfectly plain, Mr. President, that if we have not the power to cleanse representative government of corruption, then no form of popular government will long endure. It is perfectly plain that if we have not the power to separate those who have been brought in connection with the Government through corruption from the Government, that then what we need is not more popular government, but less. If such men as Wilson and Broderick and Browne, steeped in duplicity and corruption, can be nominated at a primary and reelected at a popular election, it is proof positive that the composite citizen needs some attention as well as the component parts of that ideal conception. The solemn injunction which rests upon everyone who believes in the principle of representative government is to restore confidence in the mind of the people that it is representative and not the partial advocate of special interests.

Mr. President, I sincerely hope that this resolution as amended finally will pass. I should like to see the Senate—if I may make the suggestion—put aside for once the question of courtesy, the question of compromise, the question of precedent, the question of recognition of some one's sensitiveness, and proceed in this matter in such a determined and uncompromising way as to satisfy the great American public, whether the judgment be for or against Mr. LORIMER, that it is a correct and righteous judgment.

It was truly said by the Senator from Wisconsin [Mr. LA FOLLETTE] that the question of confidence and respect and the manner in which we proceed to investigate is almost equal in importance to the capacity of the investigating committee itself.

When we have concluded our work, when we have finished our investigation, when we have finally rendered another judgment, it is important that the public be convinced that the righteous and right thing has been done as well as to have the right and righteous thing done. We may disregard public opinion if we desire and as much as we choose, but the fact is that we live and have our usefulness and thrive as a Senate of the United States by reason of the respect and confidence of those who sent us here.

Mr. MARTIN of Virginia, Mr. CUMMINS, and Mr. LA FOLLETTE addressed the Chair.

The VICE PRESIDENT. The Senator from Virginia.

Mr. MARTIN of Virginia. Mr. President, I offer as a substitute for the resolution submitted by the Senator from Wisconsin the resolution which I presented to the Senate on the 23d instant, and known as Senate resolution No. 51.

The VICE PRESIDENT. The Senator from Virginia offers as a substitute for the resolution of the Senator from Wisconsin the following, which the Secretary will read.

The SECRETARY. In lieu of Senate resolution 6 substitute the following:

Whereas the Senate adopted a resolution June 20, 1910, directing the Committee on Privileges and Elections to investigate the charges relating to the election of WILLIAM LORIMER to the Senate of the United States; and

Whereas since the Senate voted on the report of that committee it is represented that new material testimony has been discovered in reference to such matter; and

Whereas the Senate of the State of Illinois, on the 18th of May, 1911, adopted a resolution for the reasons therein stated, requesting the Senate of the United States to institute further investigation of the election of WILLIAM LORIMER to the Senate: It is therefore

Resolved, That the Committee on Privileges and Elections, sitting in banc, be, and are hereby, authorized and directed forthwith to investigate whether in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices; that said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers, counsel, and accountants; to send for persons and papers; to administer oaths; and as early as practicable to report the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee. The committee is further and specially instructed to inquiry fully into and report upon the alleged "jack-pot" fund in its relation to and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. The Chair supposes the Senator from Virginia claims the floor.

Mr. MARTIN of Virginia. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I will wait until I can take the floor in my own right.

The VICE PRESIDENT. Does the Senator from Virginia yield the floor?

Mr. MARTIN of Virginia. I understood that the Senator from Wisconsin was of opinion that this matter could not be concluded this afternoon, and that he was going to make some suggestion in that regard. It is entirely immaterial to me. I am ready to go on, or I can wait.

Mr. LA FOLLETTE. I do not wish to take the Senator from Virginia from his feet.

Mr. MARTIN of Virginia. I was not taken from my feet. I yielded to the Senator, understanding that he was going to make a suggestion of that sort.

The VICE PRESIDENT. The Chair understood that the Senator from Virginia yielded to the Senator from Wisconsin.

Mr. LA FOLLETTE. With a view of making a motion, and I am about to make a motion, but I do not wish to make a motion to take the Senator from Virginia off the floor.

Mr. MARTIN of Virginia. I understood the Senator wanted this matter to go over until Monday.

Mr. LA FOLLETTE. I am satisfied it will not be possible to conclude argument upon the resolution to-night. I know of other Senators who desire to speak, and I myself shall have something to say. I am perfectly willing, if the Senator from Virginia desires to speak now, to withhold a motion to adjourn. I wish to accommodate the Senator.

Mr. MARTIN of Virginia. I am perfectly willing that a motion to adjourn shall be made, but I should like to have it understood that I will resume the floor when this matter is taken up on Monday.

The VICE PRESIDENT. It is in the hands of the Chair, and of course the Chair would recognize the mover of the substitute.

Mr. MARTIN of Virginia. I am perfectly willing, with that understanding, to yield the floor for to-day.

Mr. LA FOLLETTE. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, May 29, 1911, at 2 o'clock p. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 26, 1911.*

The House met at 12 o'clock m.

Prayer by Rev. William Alexander Major, D. D., of Seattle, Wash., as follows:

O Lord, our God, Thou who art the Spirit, infinite, eternal, and unchangeable, in Thy being wisdom, power, holiness, justice, goodness, and truth, we look to Thee for all good. We are told that if a man lack wisdom, let him ask of God. We need Thy help, intelligence, instruction, discipline, growth.

Let Thy blessing fall upon these men who represent the greatest Government upon earth, help every man to be a good steward, faithful in the discharge of his duty, and may we all live and act so that what we do may commend itself to all the nations of the world.

We thank Thee for what Thou hast done for the individual. We bless Thee for his place in the world. We thank Thee for what Thou hast stamped upon him, and we come to-day to recognize that every act and perfect gift cometh from Thy hand. Lead us now in the deliberations of the day, strengthen us for every duty which awaits us, and not unto us, O God, not unto us, but unto Thy name give glory, for Thy mercy and Thy truth's sake. Amen.

The Journal of the proceedings of Tuesday, May 23, 1911, was read and approved.

SWEARING IN OF A MEMBER.

Mr. McKENZIE, of Illinois, appeared at the bar of the House and took the oath of office.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 287. An act for the relief of James Henry Payne;

S. 288. An act to authorize the President to place Ensign John Tracey Edson on the retired list of the Navy with the rank of lieutenant;

S. 307. An act to change the name of Fort Place, from Seventeenth to Eighteenth Streets NE., to Irving Street;

S. 274. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia; and

S. 2055. An act to provide for the purchase of a site and the erection of a new public building at Bangor, Me.; also for the sale of the site and ruins of the former post-office building.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 287. An act for the relief of James Henry Payne; to the Committee on Naval Affairs.

S. 288. An act to authorize the President to place Ensign John Tracey Edson on the retired list of the Navy with the rank of lieutenant; to the Committee on Naval Affairs.

S. 307. An act to change the name of Fort Place, from Seventeenth to Eighteenth Streets NE., to Irving Street; to the Committee on the District of Columbia.

S. 274. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia; to the Committee on the District of Columbia.

S. 2055. An act to provide for the purchase of a site and the erection of a new public building at Bangor, Me.; also, for the sale of the site and ruins of the former post-office building; to the Committee on Public Buildings and Grounds.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. HAMILTON of West Virginia, for 10 days, beginning Monday, May 29, 1911, on account of important business.

Mr. J. M. C. SMITH, for 14 days, on account of important business.

Mr. KENDALL, for two weeks, on account of important business.

Mr. STEVENS of Minnesota, for two weeks, on account of illness in family.

Mr. WATKINS. Mr. Speaker, my colleague, Mr. BROUSSARD, desires 10 days leave of absence, on account of important business.

The SPEAKER. The gentleman from Louisiana asks leave of absence for his colleague, Mr. BROUSSARD, on account of important business. Without objection, this request will be granted.

There was no objection.

WITHDRAWAL OF PAPERS—WILLIAM A. HARLAN.

By unanimous consent, leave was granted to Mr. CANNON to withdraw from the files of the House, without leaving copies, the papers in the case of William A. Harlan, Fifty-ninth Congress, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—JOHN MITCHELL.

By unanimous consent, leave was granted to Mr. BURKE of Wisconsin to withdraw from the files of the House, without leaving copies, the papers in the case of John Mitchell, in the Sixty-first Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 10508) to protect trade and commerce against unlawful restraints and